



Morecambe Town Council

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Standing Orders

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Standing Orders that are in bold type contain legal and statutory requirements.

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SECTION 1 - MEETINGS

1. Meetings Generally

- a) Meetings of the Council shall be held monthly on such dates and times and at such place as the Council may direct, except during the months of August and December. The Council should publish a list of full council meetings annually. The Proper Officer has delegated authority, in consultation with the Chairman, to cancel a meeting should there not be enough business to consider.
- b) 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.**
- c) Council members shall receive a summons sent by the Clerk, specifying the business to be transacted five clear days before a Meeting of the Council. A notice of the time and place of the meeting shall at a similar time be affixed and displayed in a conspicuous place in the locality. When calculating the 5 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- d) 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.**
- e) Subject to Standing Order 1(d) above, members of the public who are registered local government electors and/or business-rate payers may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, provided that their primary residence (or business) is within the administrative boundary of Morecambe Town Council. Qualifying members of the public who would like to make representations at a meeting must contact the Proper Officer no later than 10:00 am on the day of the meeting to advise both of their wish to speak and the full content (providing a transcript if available). Other issues could be raised if written notice of the question/matter is submitted to the Proper Officer ten working days prior to the meeting and the matter is considered appropriate for the agenda.
- f) The period of time which is designated for public participation in accordance with Standing Order 1(e) above shall not exceed fifteen minutes with the provision that the meeting is adjourned to allow public participation to take place.
- g) Subject to Standing Order 1 (f) above, each member of the public is entitled to speak once only and shall not speak for more than three minutes.
- h) In accordance with Standing Order 1 (e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- i) In accordance with Standing Order 1(f) above, the Chairman may direct that a response to a question or statement posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.
- j) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k) A person shall raise their hand when requesting to speak and shall normally stand at the front of the Council Chamber when speaking.

- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m) **A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of Morecambe Town Council or its Committees but otherwise may:**
 - i) **film, photograph or make an audio recording of a meeting;**
 - ii) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
 - iii) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- n) At the beginning of the meeting, the Chairman of the meeting will remind everyone in attendance and those participating in the meeting that they may be filmed, recorded, photographed or otherwise reported about. Any member of the public in attendance that objects to any of the above, and children and vulnerable adults, must inform the Chairman and an area within the Council Chamber will be designated to them. Any member of the public or press carrying out any of the above must ensure that their activities do not disrupt the proceedings of the meeting or they may be asked to stop or leave.
- o) **In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- p) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice Chairman (if any).**
- q) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- r) **All motions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- s) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
- t) **Unless standing orders provide otherwise, voting on any motion shall be by a show of hands. At the request of two Councillors, the voting on any motion 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.
- u) The minutes of a meeting shall record the names of councillors present and absent.
- v) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given. **If a member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority (recorded in the minutes of a meeting) before the expiry of that period,**

cease to be a member of the authority. Such reasons may be submitted to the Proper Officer prior to a meeting.

- w) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- x) 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.
- y) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present** and in no case shall the quorum of a meeting be:
 - i) In the case of a Council Meeting – not less than nine members
 - ii) In the case of a Committee Meeting – not less than three members.
- z) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.** Any outstanding business of a meeting so adjourned shall be transacted at the following meeting. Council and Committee Meetings shall not exceed a period of two hours, unless the Council or Committee agrees to suspend Standing Orders.

2. Remote Meetings

- a) Meeting may be held remotely, as directed by the Proper Officer, in adherence with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.
- b) Meetings held remotely will adhere to best practice and all persons other than Council members or officers will be muted. During the meeting, members will raise their hand to indicate to the Chairman that they wish to speak on an agenda item. Members may also use the chat facility for the same purpose.
- c) Voting will be carried out by a show of hands and the Proper Officer will clarify the vote of each member via a roll call if they cannot be seen.

3. Extraordinary Meetings

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

4. Annual Council Meeting

- a) **In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors are elected take office.**

- b) **In a year which is not an election year the Annual Meeting of the Town Council shall be held on such day in May as the Council may direct and shall be held at such hour as the Council may fix or, if no hour is so fixed, 6 o'clock in the evening.**
- c) **In addition to the Annual Meeting at least three other meetings shall be held in each year.**
- d) **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.**
- e) **The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.**
- f) **The Vice-Chairman of the Council, if any, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- g) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- h) **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- i) **Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the order of business shall be as follows:**
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of terms of reference for committees, their membership and delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review and adoption of all appropriate policies and governance procedures.
 - v. To review and make arrangements to reaffirm eligibility to exercise the power of competency which, in an election year, expires on the day prior to the Annual Meeting.
 - vi. Review of inventory of land and assets including buildings and office equipment.
 - vii. Confirmation of arrangements for insurance cover in respect of all insured risks.
 - viii. Review of the Council's and/or employees' memberships of other bodies.
 - ix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

5. Committees

- a) **The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and shall determine their terms of reference and membership.**
- b) **The Council may dissolve a committee at any time.**

- c) Committees must abide by Terms of Reference.
- d) Delegated authority may be afforded to Committees to make decisions on behalf of the Council.
- e) Where a required decision involves adherence to legislation, all members of a Committee must undertake suitable training, prior to any such decisions being made, to ensure understanding of all legislation in order to ensure the Committee is not at risk of making unlawful decisions.
- f) Committees are not permitted to amend policies without the approval of the Council.

6. Sub Committees

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

7. Chairman of the Meeting

- a) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- b) The Chairman may, at their discretion, alter the order of business as specified on the agenda. In addition, a motion to vary the order of business on the grounds of urgency may be proposed by any member and after being seconded shall be put to the vote without discussion.

8. Proper Officer

- a) Where a statute, regulation or order confers function or duties on the proper officer of the Council, he/she shall be nominated:
- b) To sign and serve on councillors a summons to attend meetings of the Council, confirming the time, date, venue and the agenda of a meeting at least three clear days before the meeting.**
- c) To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
- d) To include in the agenda all appropriate motions unless a Councillor has given written notice at least seven days before the meeting confirming their withdrawal of it.
- e) To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in this office.
- f) To receive and retain declarations of acceptance of office from Councillors.
- g) To receive and record notices disclosing pecuniary and non-pecuniary interests.
- h) To receive and retain plans and documents, and copies of by-laws made by other local authorities.**
- i) To draft minutes of meetings and make such minutes available for inspection.**
- j) To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998. With any requests for an internal review to be processed by a second officer.

- k) To receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- l) To manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- m) To sign notices or other documents on behalf of the Council, and arrange for legal deeds to be signed by the Chairman and Vice Chairman and witnessed.
- n) To arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- o) To retain the custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- p) To liaise with media and press on behalf of the Council when required.
- q) To action or undertake any lawful activity or responsibilities instructed by resolution or contained in Standing Orders.

9. Motions Moved With Notice

- a) 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 Proper Officer or the mover has given notice in writing (notice of motion) of its terms and has delivered the notice to the Proper Officer at least ten clear days prior to the meeting.
- b) The Proper Officer will consider all notices of motion and may amend obvious grammatical or typographical errors in the wording of a motion. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing so that it can be understood at least seven clear days before the meeting.
- c) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consider whether the motion shall be included in the agenda or rejected. The Proper Officer will consult the Chairman and/or the proposers of a motion when considering the rejection of a motion. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- d) Every motion and resolution must adhere to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- e) If a motion is required to be moved within the terms of reference of a Committee, or Sub-Committee, or within the delegated powers conferred on an employee, the motion may not be included on the agenda of full council. However, a motion unable to be dealt with by an employee or Committee expediently may be dealt with at a meeting of the full council for reasons of urgency.

10. Motions Moved Without Notice

Motions in respect of the following matters may be moved without written notice.

- a) To appoint a person to preside at a meeting.
- b) To elect a Chairman or Vice Chairman.
- c) To approve the absences of Councillors.
- d) To approve the accuracy of the minutes of a previous meeting.
- e) To correct an inaccuracy in the minutes of a previous meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.

- h) To close or adjourn debate.
- i) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- j) To appoint a committee or sub-committee and their members.
- k) To dissolve a committee or sub-committee.
- l) To consider a report or any further documentation and/or recommendations made by a committee or a subcommittee or an employee in regard to an agenda item.
- m) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- n) To authorise legal deeds to be sealed by the Council's common seal OR signed by two councillors and witnessed, arising from an item on the agenda for the meeting.
- o) To authorise the payment of monies as detailed in the Council's Financial Regulations, arising from an item on the agenda for the meeting.
- p) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- q) To withdraw a motion.
- r) To extend the time limit for speeches.
- s) To exclude the press and public for all or part of a meeting.
- t) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- u) To give the consent of the Council if such consent is required by standing orders.
- v) To suspend any Standing Order except those which are mandatory by law.
- w) To adjourn the meeting.
- x) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies, arising from an item on the agenda for the meeting.
- y) To answer questions from councillors, arising from an item on the agenda for the meeting.

11. Rules of Debate

Order of Motions

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion for reasons of expedience.

Motions not Moved

- b) If a motion is not moved and seconded at the meeting, it will be treated as withdrawn, unless the Council vote to postpone it.

No Speeches Until Motion Seconded

- c) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to Require Motion in Writing

- d) Unless proper notice has already been given, a motion, if required by the Chairman, shall be reduced to writing and given to the Chairman before it is put to the meeting.

Secunder's Speech

- e) A member when seconding a resolution or amendment may, if he/she declares his/her intention to do so, reserve his/her speech until a later period of the debate.

Questions on Motions

- f) A Councillor may ask a question of the proposer, provided that the question is clearly related to the motion on notice and not potentially defamatory, vexatious or offensive.

g) Questions shall be asked after the motion has been moved and seconded and after the proposer has introduced and explained the motion; before the motion is opened up for debate and before any amendments are moved. Asking the question must take no longer than two minutes and only one question per Councillor shall be permitted on a motion.

h) The proposer reserves the right to refuse a reply.

Content and Length of Speeches

i) A member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. During the debate of a motion, a member may state verbally 'point of order' or 'personal explanation' and shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the irregularity in the meeting they are concerned by. Any member interrupted by such a 'point of order' or 'personal explanation' may continue their speech once the point of order has been decided by the Chairman. The ruling of the Chairman on the admissibility of a point of order or a personal explanation shall not be discussed and shall be considered final.

j) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.

k) During the debate of a motion, all members shall be silent until invited to speak by the Chairman.

l) A member wishing to ask a question should make it known to the Chairman by raising their hand.

When a Councillor May Speak Again

m) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- i. To speak once on an amendment moved by another Councillor;
- ii. To move a further amendment if the motion has been amended since they last spoke;
- iii. If his/her speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- iv. In the exercise of a right of reply as the mover of the original motion or an amendment;
- v. On a point of order;
- vi. By way of personal explanation.

Amendments to Motion

n) An amendment to a motion must be relevant to the motion and shall not have the effect of negating the motion before the Council.

o) An amendment shall be either to:

- i) Omit words.
- ii) Omit words and insert others.
- iii) Insert additional words.

p) Only one amendment may be moved and debated at a time, the order of which shall be directed by the Chairman. One or more amendments may occasionally be discussed together if the Chairman considers this expedient but shall be voted upon separately. Any additional amendments proposed during debate may not be moved until the amendment under discussion has been disposed of.

q) The number of amendments to an original motion or substantive motion, which may be moved by a Councillor, is limited to one.

- r) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, a Councillor may move amendments to his/her own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- s) If the proposer and seconder of a motion are in agreement, an amendment may be accepted as a 'friendly' amendment and be incorporated in the original motion as an alteration.
- t) If the proposer and seconder do not accept the 'friendly' amendment, the amendment must be taken to a vote.
- u) If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- v) If the amendment is not carried, other amendments to the original motion may be moved.
- w) Further amendments shall not be proposed until the Council has disposed of every prior amendment. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments.
- x) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate.
- y) No Councillor, other than the mover, may speak further in respect of any one motion except to speak once on any amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- z) Should an amendment not be carried, the last motion voted upon may at the discretion of the Chairman be taken as the resolution of the Council if no further amendment is moved.
- aa) Should further amendments be carried, the motion, as amended shall, at the discretion of the Chairman, be taken as the resolution of the Council if no further amendment is moved.

Motions which may be Moved during Debate

- bb) When a Councillor's motion is under debate no other motion shall be moved except:
- i) To amend the motion
 - ii) To withdraw the motion
 - iii) To exclude the public and press
 - iv) To ask a person to be silent or for him/her to leave the meeting
 - v) To suspend any standing order, except those which are mandatory

Closure Motions

- cc) A Councillor who has not already spoken in debate, may move, without comment, the following motions at the end of a speech of another Councillor:
- i) To proceed to the next business
 - ii) To adjourn the debate
 - iii) To put the motion to a vote
 - iv) To adjourn the meeting
- dd) The Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived.

ee) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the mover of the original motion shall have a right of reply before putting the motion to the vote. The debate on the motion will continue if the procedural motion is unsuccessful.

ff) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficient debated and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12. Voting

- a) Members shall vote by show of hands or.
- b) If a member so requires, the Proper Officer 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 may be made before or after the vote but in any event before moving on to the next business.

Voting on Appointments

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13. Planning

- a) Because a member of the Planning Committee of a principal authority who is also a Town Councillor is allowed to speak and vote at both Town meetings and meetings of the principal authority on the same planning issue (unless the application has been made by the Town Council), Councillors who take this course of action will need to declare membership of the Town Council as a personal interest at the principal authority meeting.
- b) Members must note an obligation to approach decision-making with an open mind, prepared to listen to all sides of the argument. Dual-hatted members who choose to speak and vote at parish level and principal authority level will need to make it clear that their vote at parish level represents a preliminary view and that they will reconsider the matter afresh at principal authority level. Failure to do so may result in a challenge on the grounds of predetermination.

14. Conduct

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- d) If, in the opinion of the Chairman, there has been a breach of conduct, the Chairman shall express that opinion.
- e) If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- f) If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

15. Minutes

- a) Minutes shall be published as soon as practicable after the meeting and shall contain a record of decisions made. Minutes are not a verbatim record of meetings.
- b) The Chairman will sign the minutes of the proceedings at the next suitable meeting. A motion must be moved that the minutes of the previous meeting be signed as a correct record.
- c) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- e) "The Chairman of this meeting does not believe that the minutes of the meeting of the Morecambe Town Council (OR [name] Committee/Sub-Committee) held on [date] in respect of () were a correct record but this view was not upheld by the majority of the (Council / or [name] Committee/Sub-Committee) and the minutes are confirmed as an accurate record of the proceedings."
- f) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

16. Rescission of Previous Resolutions and Suspension of Standing Orders

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least eight councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee. No decision shall be reversed unless new information is presented which could not have been known at the time the original decision was made and unless the new information could reasonably result in a change of the decision.
- b) When a special motion or any other motion moved pursuant to the above has been disposed of, no similar motion may be moved within a further 6 months.
- c) Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

17. Financial Matters

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year.

18. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) In accordance with a resolution made under standing order above, 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 members of the Council who shall sign the deed as witnesses.**

19. Canvassing

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

20. Unauthorised Activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee, a sub-committee, or a working group:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

21. Confidential Business

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

22. Power of Well-Being

- a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under the above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in the above.

23. Matters Affecting Employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has resolved to exclude the press and public.
- b) A review of employee performance will be undertaken in line with contracts and any relevant policies.
- c) Any grievances and disciplinary matters will be dealt with in line with the Council's policy to that effect. If grievance or disciplinary matters involve any members of the Council, such members must declare an interest and abstain from participation.

- d) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

24. Freedom of Information Act / Data Protection Act / / Environmental Information Regulations

- a) All requests for information held by the Council shall be processed.
- b) All requests for information will be processed in line with the Council's Data Protection Policy and any investigations opened by the Information Commissioner shall be reported to members. If Decision Notices are served by the ICO due to an expiration of time, officers should ensure any outstanding responses are provided within the extension of time provided.
- c) The Proper Officer and Finance Officer shall take all legal steps to comply with the legislation.

SECTION 2 - CODE OF CONDUCT

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT. LOCALISM ACT 2011 SECTION 28.

These arrangements are made under Sections 28(6) and (7) of the Localism Act 2011, and advise how the Town Council will deal with allegations that a Councillors has failed to comply with the relevant Code of Conduct.

An allegation that a Councillor has failed to comply with the requirements of the relevant Code of Conduct must be made to:

The Monitoring Officer, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ.

An allegation may also be sent by email to the Monitoring Officer.

The allegation must be about a Town Councillor and must be that the Councillor(s) has, or may have, breached the relevant Code of Conduct.

Any person making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct.

Joint Statement - Local Government Association

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratised role, encourage good conduct and safeguard the public's trust in local government.

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.

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

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".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist councillors in modelling behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against a councillor.

The Code of Conduct is also to protect the public, fellow councillors, local authority officer and the reputation of local government.

The Code of Conduct sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civic servants, councillors and local authority officers; should uphold the Seven Principle 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 interest 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

This Code of Conduct applies to each Councillor as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member. The Code continues to apply to members until they cease to be a councillor.

This Code of Conduct applies to a councillor when they are acting in their capacity as a councillor which may include when:

- they misuse their position as a councillor
- their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they 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.

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

The Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Proper Officer, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out a councillor's obligations, which are the minimum standards of conduct required of a councillor. Should conduct fall short of these standards, a complaint may be made against a councillor, 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, intimidating 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 Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-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 you 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.

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

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

8.4 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 the 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 significant gift or hospitality that I have been offered but have refused to accept.

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 the Monitoring Officer for guidance.

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, 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).

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.

“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.

“Sensitive interests” are interests which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

Where a member considers that disclosure of the details of a registrable interest could lead to them, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that the member has an interest, the details of which are withheld.

It may include a member's sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against them or someone who lives with them. The member should provide this information to the Monitoring Officer and explain their concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that they or a person who lives with them will be subjected to violence or intimidation. 10 If the Monitoring Officer agrees, then the member does not need to include this information in their register of interests, but they need to disclose at meetings the fact that they have an interest in the matter concerned.

Non-participation in case of disclosable pecuniary interest

1. 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.

Individual Member Decision Making

2. 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

3. 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

4. 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.

5. 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.

6. Where a matter (referred to in paragraph 5 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 then 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.

Individual Member Decision Making

7. 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	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 them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and LabourRelations (Consolidation) Act 1992.

Contracts	<p>Any contract made between the councillor or their 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 director¹ or a body that such person has a beneficial interest in the securities² of) and the council:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (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. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or their 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	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge):</p> <p>(a) the landlord is the council; and (b) the tenant is a body that the councillor, or their 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.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either:</p> <p>(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 their spouse or (iii) 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.</p>

¹'Director' includes a member of the committee of management of an industrial and provident society.

²'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

You must register as an Other Registerable Interest

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

SECTION 3 - PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- a) The purpose of this protocol is to guide Councillors and Officers in their relations with one another, to define their respective roles and to provide guidance for dealing with particular issues that may most commonly arise or cause concern.
- b) However, given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or exhaustive. It is hoped that the general approach set out in the protocol will serve as a guide in dealing with other issues that may not be specifically covered.
- c) The objective of this protocol is to enhance and maintain the integrity of local government. As such, this protocol seeks to reflect the principles of the Code of Conduct.

2. ROLE OF COUNCILLORS AND OFFICERS

- a) Both Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Chief Executive (Proper Officer). Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and the various Committees.
- b) The Council's Standing Orders set out the clear distinction between the roles of Councillors and Officers. Councillors will perform roles on the Council and Committees. They may also represent the Council on outside bodies. Officers are employed by and serve the whole Council, and are accountable to the Chief Executive (Proper Officer). They provide support, impartial advice, and implement the decisions of the Council and Committees. They may also make decisions under powers delegated to them.
- c) Councillors should not get involved in the day to day operational management of services. Equally, Officers should not get involved in politics.
- d) Officers are responsible for advising on and implementing policies, and for the delivery of services in the manner that they consider is most appropriate given their managerial and professional expertise. Councillors would not be expected to be involved in the detail of implementation, but can expect reports on progress, and in certain circumstances, can require Chief Officers (Proper Officer) to account for their decisions.
- e) It is appropriate, however, for Councillors to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. The Standing Orders sets out the procedures for the Council to review existing policies and bring forward new policy initiatives.

- f) Mutual respect between Councillors and Officers is essential to good local government. It is important in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- g) The general obligations in the Councillors' Code of Conduct include a requirement to treat others with respect, and not to do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council. There is also a requirement for Councillors in making decisions to have regard to any advice provided by the Council's Chief Executive (Proper Officer) and Responsible Financial Officer. Any allegation by an Officer that a Councillor has failed to comply with the Code of Conduct will be dealt with under the procedure for dealing with Code of Conduct complaints.

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

Officers can expect councillors:

- To give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice.
- To act within the policies, practices, processes and conventions established by the Council.
- To work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.
- To treat officers fairly and with respect dignity and courtesy.
- To act with integrity, to give support and the respect appropriate confidentiality.
- To recognise that officers do not work under the instruction of individual councillors or groups.
- To not subject officers to bullying, intimidation, harassment, or put them under undue pressure.
- To treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.
- Not to request officers to exercise discretion which involves acting outside the Council's policies and procedures.
- Not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a councillor without proper and lawful authority.
- Not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly.
- To comply at all times with the Councillor's Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the Council.
- Respect the impartiality of officers and do not undermine their role in carrying out their duties.
- Do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner.
- Do not ask officers to exceed their authority where that authority is given.

All Councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Chairs and vice-chairs have additional responsibilities as delegated by the Council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do.

Councillors can expect Officers:

- To advise, inform and support all members and to implement the agreed policies of the Council.
- To be responsible for the day-to-day managerial and operational decisions within the Council, including directing and overseeing work of colleagues. Councillors should avoid inappropriate involvement in such matters.
- To act professionally, impartially, and with neutrality.
- A commitment from officer to the Council as a whole, and not to any individual councillor or group.
- Officers to understand and support respective roles, workloads and pressures of councillors.
- Timely, up to date, information on matters that can reasonably be considered relevant to the officer's position.
- Officers must implement decisions of the Council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the Council or whether the decision differs from the Officer's view.
- Work in partnership with councillors.
- Treat Councillors fairly and with respect, dignity, and courtesy.
- To treat all councillors, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.
- Assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- Act with honest, respect, dignity, and courtesy at all times.
- Provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the Council's training policy.
- Not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly.
- To act within the policies, processes, and conventions established by the Council.
- Officers have the right not to support councillors in any role other than that of a councillor.
- In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. OFFICER ADVICE TO COUNCILLORS AND GROUPS OF COUNCILLORS

- a) It is common practice for Councillors and political groups to give preliminary consideration to matters of Council business in advance of such matters being considered. As an example, agendas will identify the key decisions the Council (or Committee) will be considering. Individual Councillors and/or groups of Councillors may properly call upon Officers to support and provide factual advice to their deliberations. The support provided by Officers can take many forms, ranging from a briefing meeting prior to a meeting, to a presentation to a full group meeting. Briefing of political groups should only be undertaken by the Chief Executive (Proper Officer), or otherwise with the approval of the Chief Executive (Proper Officer) and any information provided to the group will not as a matter of routine be passed on to other groups or individual councillors. However, briefing information provided to a political group, whether or not it contains confidential information, may, at the written request of that group, be passed on by the relevant Officer to other groups also.

- b) Certain points must, however, be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
 - i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a 'political' nature. Officers are not expected to be present at meetings, or parts of meetings, where matters of political business are to be discussed.
 - ii) Similarly, where Officers provide information and advice to a group of Councillors meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council meeting when the matter in question is considered.
- c) Officers must respect the confidentiality of any group discussions at which they are present in the sense that they should not relay the content of any such discussion to another group of Councillors, unless specifically asked to do so.
- d) Any particular cases of difficulty or uncertainty in this area of Officer advice to groups of Councillors should be raised with the Chief Executive (Proper Officer).

4. OFFICER/COUNCILLOR RELATIONSHIPS

- a) It is clearly important that there should be a close working relationship between Councillors and Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an Officer's ability to deal impartially with other Councillors.
- b) Whilst the Chairman of the Council and Chairmen of Committees may routinely be consulted as part of the process of drawing up agenda items for a forthcoming meeting, it must be recognised that in some situations an Officer will consider it his/her duty to submit a report on a particular matter. In these circumstances, an Officer will always be fully responsible for the contents of any report and/or recommendation submitted in his/her name.
- c) In relation to action between Council or Committee meetings, it is important to remember that the Council's Standing Orders allow only for decisions (relating to the discharge of any of the Council's functions) to be taken by an Officer.
- d) It must be remembered that Officers in employment are accountable to their line manager and ultimately the Chief Executive (Proper Officer), and that whilst Officers should always seek to assist any Councillor, they must not, in doing so, go beyond the bounds of whatever authority they have been given by their line manager.

5. UNDUE PRESSURE

- a) A Councillor must not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- b) Similarly, an Officer must not seek to influence an individual Councillor to make a decision in his/her favour, nor raise personal matters relating to his/her job, nor make claims or allegations about other Officers, except in accordance with any agreed Council procedure or in accordance with law. Councillors who receive any such approach from an Officer should advise the Chief Executive (Proper Officer) immediately.

6. CRITICISM/COMPLAINTS

- a) It is important that there should be mutual courtesy between Councillors and Officers.

- b) Councillors and Officers should not criticise or undermine respect for each other at Council meetings or at any other place they attend in their capacity as a Councillor or Officer, or in any other public forum. Officers who are unhappy about the actions taken by, or conduct of, a Councillor should report the matter in line with agreed procedures. Councillors who are unhappy about the actions taken by, or conduct of, an Officer should avoid personal attacks on, or abuse of, the officer at all times, ensuring any criticism is well founded and constructive, and made in private in line with agreed procedures.
- c) Councillors should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings or in any other public forum. Any such complaints should be made to the Chief Executive (Proper Officer).

7. COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- a) If Councillors wish to visit Officers, they should make prior arrangements whenever possible.
- b) With respect to the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- c) Under Section 100F of the Local Government Act 1972, any Councillor may inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the Council or a Committee. This right applies irrespective of whether the Councillor is a member of the relevant committee, and extends not only to reports but also to background papers. However, the right does not apply if a document discloses exempt information as defined in Schedule 12A of the Local Government Act 1972.
- d) The common law right of Councillors is much broader and is based on the principle that any Councillor has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the Councillor to carry out his/her duties as a Councillor. This is referred to as the "need to know" principle. If a Councillor is a member of a Committee, then he/she has the right to inspect documents relating to the business of that Committee. If a Councillor is not a member of the relevant Committee, then he/she has to demonstrate why sight of the document is necessary to enable the performance of his/her duties as a Councillor. Councillors have no right to a "roving commission" to examine documents of the Council. Mere curiosity is not sufficient. If the Councillor's motive for seeing the documents is indirect, improper or ulterior, then there would be no right of access at common law.
- e) A Councillor has the same rights of access to information under the Freedom of Information Act 2000 as any members of the public. A request must be made in writing and describe specifically the information requested. The exemptions set out in the Act would be applied whoever is requesting the information. Once information has been made available in response to a Freedom of Information request, it become public.
- f) From a procedural point of view, if a Councillor makes a request for information that is not routine, the request should be made to the relevant Officer, who will consider first whether all the information would be made available as a matter of course to a member of the public making a similar request. If so, the information will be provided to the Councillor.
- g) If the request is such that the information would not automatically be provided to a member of the public, the Officer will consider whether the information can be provided under Section 100F of the Local Government Act 1972 or under the common law "need to know". The final determination as to whether there is a "need to know" will be made by the Proper Officer.
- h) If neither Section 100F nor the "need to know" are met, then the request will be dealt with as a Freedom of Information Act request, but without the need for the Councillor to make a specific Freedom of Information request. The Freedom of Information Request will be dealt with in the normal way by an Officer. This may result in the information being provided in part, with an exemption applying to the remainder, or the request being refused in its entirety as a result of

an exemption. The Councillors will be informed that the request has been considered under the Freedom of Information Act and that there is a right of internal review which will be carried out by the Proper Officer. Following such review, the Councillor will be advised of the right to pursue the matter with the Information Commissioner.

- i) Any information provided under the Freedom of Information Act can be made public by the Councillor. Information provided under the “need to know” will be provided with the caveat that it is provided to the Councillor in his/her capacity as Councillor, and is only to be used for the purpose of exercising his/her functions, and should not be made public.
- j) The Code of Conduct provides that a Councillor must not disclose information given to the Councillor in confidence by anyone, or information which the Councillor believes, or ought reasonably to be aware, is of a confidential nature except where:
 - i) the Councillor has the consent of a person authorised to give it;
 - ii) the Councillor is required by law to do so;
 - iii) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is reasonable and in the public interest and made in good faith and in accordance with the law.

8. CORRESPONDENCE

- a) Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor.
- b) Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Councillor. It may be appropriate in certain circumstances (e.g representations to a Government Minister) for a letter to appear over the name of a Councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.
- c) In no circumstances will correspondence from an individual or business, or from a third party representing an individual, be disclosed to a Councillor if it is marked confidential or contains personal data. If, in these circumstances, an Officer is of the view that there is a need for a Councillor to know the issue, and it is not possible to do so in general terms without disclosing confidential or personal information, then the relevant individual’s consent will first be obtained.

9. MEETINGS WITH THIRD PARTIES

- a) On occasions, Councillors may be approached by individuals or companies who have proposals affecting the area or functions of the Council, and which they wish to discuss with Councillors. Councillors are reminded that, as individual Councillors, they cannot commit the Council to any contract or other agreement or course of action. Councillors are advised to make this clear to any third party with which they may have contact. Should Councillors be asked to attend a meeting with third parties, they are recommended to arrange for the meeting to take place at Council offices and with a relevant Officer present. This will enable the Officer to explain to the third party the proper decision-making process, and will protect Councillors against any subsequent claim by the third party. Normal routine activities are not intended to be subject to this recommendation.

10. ARBITRATION

- a) This protocol is intended to act as a guide for both Councillors and Officers.
- b) This protocol is intended to provide Councillors and Officers with guidelines to determine their roles and their relations with each other.
- c) It is intended to be a “live” document and will be reviewed from time to time to reflect changing circumstances and legislation.

SECTION 4 - MEDIA PROTOCOL

1. AIMS AND OBJECTIVES

- a) The long-term aim of the Council’s communications strategy is to build and maintain a positive reputation for Morecambe Town Council in the eyes of the public, its Councillors and Officers as well as key partners in the public, private and voluntary sectors.
- b) In order to achieve this aim a key area of focus is the local media.
- c) The local media plays a key role in informing residents about what the Council does and how it spends their money. In return, it is important the Town Council communicates effectively with this key provider of public information.
- d) In doing so the Council’s objectives are as follows:
 - i) enable the Council to be one which is open, accountable, accessible and which listens;
 - ii) give information about the Council’s policies and services and the democratic process so people feel more informed about the work of the Council;
 - iii) build up the Council’s role as a community leader and advocate for the community;
 - iv) handle negative issues clearly and decisively. Where it is felt criticism of the Council is unfair, the Council should use opportunities available to explain, either to the editors or to the readers/listeners. In cases where the Council is wrong, the Council should address how it is addressing the issue.

2. CO-ORDINATING MEDIA ENQUIRIES

- a) The Council should ensure that local residents are informed about the Council’s policies and decisions. It must be open and transparent in its dealings with the press.
- b) Officers of the Council will liaise with media, receive enquiries, and respond to enquiries.
- c) Where the journalist approaches a Councillor for a quote, the Councillor must ensure journalists are reminded that any opinion given is that of their own and not necessarily that of the Council as a corporate body.
- d) Officers of the Council will release regular press releases to the media and invite the media to any press launches or photo opportunities.
- e) If Officers or Councillors are approached by the media prior to a decision being made by the Council it is important for any statement given not to prejudge the decision. Comments should be limited to providing information rather than anticipating an outcome or expressing a view

as to a preferred outcome from the meeting. It is appropriate for Officers to issue a statement outlining a summary of the matter. In this way reporters will be more likely to use the statement to report an accurate summary of the matter or clarify an issue.

- f) The Council should make every effort to correct inaccurate reporting of Council issues.
- g) It is acceptable for Councillors to request an Officer considers producing a press release relating to their role. However, Officers should not produce or engage in any promotion for Councillors on individual party political issues.
- h) All Council press releases will carry the crest of Morecambe Town Council. When issuing a press release with a third party, it may also be appropriate to include their logo and/or crest.
- i) When drafting press releases or selecting photographs, all Officers should be mindful of the Council's Equal Opportunities Policy. Publicity should avoid stereotyping of roles and should demonstrate the Council's commitment to providing equality of opportunities to people of any gender, race, sexual orientation, religion or disability.
- j) Occasionally 'confidential' Council items may be 'leaked' to the media. The Council will not normally offer a comment on leaked or confidential items. However, if an item which is not 'confidential', but which has yet to enter the public forum, it may be appropriate for the Council to issue a comment. Each case will be judged individually.

3. PHOTO OPPORTUNITIES

- a) Where photo opportunities arise, the relevant Councillors will be invited.
- b) However, the goal is to achieve positive publicity for the Council as a whole and therefore some degree of flexibility is necessary in order to achieve that goal.
- c) Photographic opportunities often arise at short notice. By needing to contact the relevant Councillors to arrange a time when all can be present, there are times when a photo opportunity, and therefore positive publicity, may be lost.
- d) All press and media will be allowed to film and record meetings of the Council which are open to the press and public.