

SWETTENHAM PARISH COUNCIL  
STANDING ORDERS

**STANDING ORDERS**

**1. MEETINGS**

- 1.1. Meetings of the Parish Council shall be held in the Swettenham Club (or St. Peter's Church, Swettenham) subject to availability at 7:30p.m. unless the Council otherwise decides at a previous meeting.
- 1.2. In a year when there is an ordinary election of Parish Councillors, the Annual Meeting will take place within 14 days of the retirement of the outgoing councilors. In any other year, the Annual Meeting will take place in May as the Parish Council may determine. (Sch.12(2) LGA 1972)
- 1.3. All other Ordinary Meetings of the Parish Council shall be held on a Monday, normally at two monthly intervals, on such dates agreed at the commencement of the Civic Year and contained in the Calendar of Meetings.

**2. CHAIRMAN OF MEETING**

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

**3. PROPER OFFICER**

- 3.1. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Parish Clerk:
  - i) To receive declarations of acceptance of office
  - ii) To receive and record notices disclosing pecuniary interests
  - iii) To receive and retain plans and documents
  - iv) To sign notices or other documents on behalf of the Council
  - v) To sign summonses to attend meetings of the Council
- 3.2. In any other case the proper officers shall be the persons nominated by the Council and, in default of nomination, the Parish Clerk.

**4. QUORUM**

- 4.1. Three members shall constitute a quorum of the Council. (Sch. 12(12) LGA 1972)
- 4.2. If a quorum is not present when the Council meets, or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest, falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairperson may fix.

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**5. VOTING**

- 5.1. Members shall vote by show of hands or, if at least 50% of the members present at the time when the vote is taken so request, by signed ballot.
- 5.2. If a member so requires, the Parish Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
- 5.3.
- 1) In the case of an equality of votes, the Chairperson may give a casting vote.
  - 2) If the person presiding at the annual meeting would have ceased to be a member of the Council, but for the statutory provisions which preserve the membership of the Chairman and Vice Chairperson until the end of their term of office, he/she may not give an original vote in an election for Chairperson.
  - 3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairperson

**6. ORDER OF BUSINESS**

- 6.1. At each Annual Meeting the first business shall be
- a) To elect a Chairperson
  - b) To receive the Chairperson's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - c) To decide when any declaration of acceptance of office, which have not been received as provided by law, shall be received.
  - d) To elect Vice Chairperson
- 6.2.
- a) In the absence of the Chairperson from a meeting of the Parish Council the Vice Chairperson, if present, shall preside.
  - b) In the absence of both the Chairperson and Vice Chairperson from a Meeting of the Parish Council, another member of the Parish Council shall be appointed to preside at the Meeting.
  - c) Anything which the Chairperson can or must do at a Meeting of the Parish Council may or shall be done by the person presiding in his/her absence.

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- 6.3. At all Ordinary Meetings of the Parish Council the first business shall be to appoint a Chairperson if the Chairperson and Vice Chairperson be absent
- 6.4. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- a) To read and consider the Minutes of the previous meeting; for accuracy
  - b) After consideration, to approve the signing of the Minutes, by the person presiding, as a correct record.
  - c) To deal with business expressly required by statute to be done.
  - d) To dispose of business, if any, remaining from the last meeting.
  - e) To receive such communications as the person presiding may wish to lay before the Council.
  - f) To answer questions
  - g) All other business specified in the Summons (i.e. Agenda)
- 6.5. A motion to vary the order of business on the grounds of urgency
- a) may be proposed by the Chairperson or by any member and, if proposed by the Chairperson may be put to the vote without being seconded, and
  - b) shall be put to the vote without discussion.
- 6.6. Except as provided by these Standing Orders, no resolutions may be moved unless the business to which it relates has been put on the Agenda by the Parish Clerk or the mover has been given notice in writing on its terms and has delivered the notice to the Clerk not later than Monday noon in the week before the next Meeting of the Council
- 6.7. The Parish Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move to some later meeting or that he withdraws it.
- 6.8. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 6.9. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

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**7. RESOLUTIONS MOVED WITHOUT NOTICE**

7.1. Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairperson of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorize the sealing of documents.
- k) To amend a resolution.
- l) To give leave to withdraw a resolution or an amendment.
- m) To exclude the public.
- n) To silence or eject from the meeting a Member named for misconduct.
- o) To give the consent of the council where such a consent is required by these Standing Orders.
- p) To suspend any Standing Order.

**8. QUESTIONS**

- 8.1. A Member may ask the Chairperson or the Parish Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 8.2. No question not concerned with the business under direction shall be asked except during the part of the meeting set aside for questions.
- 8.3. Every question shall be put and answered without discussion.
- 8.4. A person to whom a question has been put may decline to answer but may answer the questioner privately in writing.

**9. RULES OF DEBATE FOR COUNCIL MEETINGS**

- 9.1. No discussion shall take place upon the Minutes except upon their accuracy. Correction to the Minutes shall be made by resolution and must be initialled by the Chairperson.
- 9.2. This subsection to apply unless the Chairperson decides otherwise
- a) Respect for the Chairperson:

When the Chairperson rises during a debate, any Member then standing must immediately

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stop speaking and sit down, and the Council must be silent.

b) Standing when Speaking;

A Member, when speaking, must stand and address the Chairperson, unless the Chairperson decides otherwise.

c) Chairperson to decide order of speaking;

If two or more Members rise to indicate their wish to speak, the Chairperson will call on one to speak and the other (or others) must then sit.

d) Only one Member to stand:

While a Member is speaking, all other Members must remain seated and silent unless rising to a point of order or in personal explanation.

9.3.

- a. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairperson, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- b. A Member when seconding a resolution or amendment may, if he/she then declares his or her intention to do so, reserve his/her speech until a later period in the debate.
- c. A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a question or order
- d. No speech by a mover of a resolution shall exceed three minutes except by consent of the Council.
- e) An amendment shall be either:
  - i) To leave out words.
  - ii) To leave out words and insert or add others.
  - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the motion before the Council.
- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment be moved.

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- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
- j) A member may rise to make a point of order or a personal explanation. A member rising for these purposes 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.
- k) A motion or amendment may be withdrawn by the proposer and with the consent of the seconder and the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- l) When a resolution is under debate no other resolution shall be moved except the following:
  - i) To amend the resolution.
  - ii) To proceed to the next business.
  - iii) To adjourn the debate.
  - iv) That the question be now put.
  - v) That a Member named be not further heard.
  - vi) That a Member named do leave the meeting.
  - vii) That the resolution be referred to a committee.
  - viii) To exclude the public and press.
  - ix) To adjourn the meeting.
- m) Other speeches to the motion shall not exceed 3 minutes.

**10. DISORDERLY CONDUCT**

**10.1.**

- a) No member shall at a meeting persistently disregard the ruling of the Chairperson, willfully obstruct business or behave irregularly, offensively, or improperly to any other member or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b) If in the opinion of the Chairperson, a Member has broken the provisions of paragraph (a) of this Order, the Chairperson shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- c) If either of the motions mentioned in paragraph (b) is disobeyed and/or in the event of a general disturbance, the Chairperson may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

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**11. RIGHT OF REPLY**

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

**12. ALTERATION OF RESOLUTIONS**

- 12.1. A Member may, with the consent of his/her seconder, move amendments to his/her own resolution

**13. RESCISSION OF PREVIOUS RESOLUTION**

13.1

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least four Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee, unless there is new information.
- b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months, unless there is new information.

**14. VOTING ON APPOINTMENTS**

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

**15. DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

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

**16. EXPENDITURE**

- 16.1 The payment of money shall be authorised by resolution of the Council and signed by any two of the three cheque signatories who will normally be the Chairperson, Vice- Chairperson and one other member and be in accordance with the Council's Financial Regulations.

**17. SEALING OF DOCUMENTS - None**

**18. COMMITTEES AND SUB-COMMITTEES – None**

**19. VOTING IN COMMITTEES – None**

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**20. PRESENCE OF NON-MEMBERS OF COMMITTEE AT COMMITTEE MEETINGS - None**

**21. ACCOUNTS AND FINANCIAL STATEMENT**

- 21.1. A schedule of all payments made shall be laid before the Council at its next Ordinary Meeting.
- 21.2. The Parish Clerk shall lay before the Council at the Ordinary Meeting as soon as possible after the end of the Financial Year details of receipts and payments.

**22. ESTIMATES**

22.1 The Council shall approve written estimates for the coming financial year at its Meeting in the months of November/January.

**23. PECUNIARY INTEREST OF MEMBERS**

- 23.1. The Code of Conduct for Members and the law requires Members to disclose both direct and indirect pecuniary interests in any matters coming before the Council and prohibits that Member speaking or voting on that matter.
- 23.2. This Standing Order requires the Member to withdraw from the meeting while the matter is discussed.
- 23.3. In certain circumstances, Members may obtain dispensation to speak and to vote from the Secretary of State.

**24. NON- PECUNIARY INTEREST OF MEMBERS**

- 24.1. Any Member who has a personal interest defined by the National Code of Local Government Conduct in any matter shall forthwith disclose that interest but may remain, speak and vote unless the interest is clear and substantial, in which case the Member shall withdraw from the room. Involvement in the affairs of another public body or voluntary association etc. by a Member who has been appointed as a representative of the Council shall not in the absence of any other relevant consideration be construed as a clear and substantial interest. In that situation the Member should disclose the interest, but may remain and participate fully in the meeting.

**25. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

If any Member of the Council has any pecuniary interest direct or indirect within the meaning of sections 94 and 95 of the Local Government Act 1972, (Appendix 'A') in a contract, proposed contract or other matter, that Member shall withdraw from the meeting while the contract, proposed contract, or other matter is under consideration by the Council unless:

- 25.1.1. The disability to discuss the matter imposed upon that Member by the section has been removed by the Secretary of State under Section 97(1); or



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25.1.2. The Council invite that Member to remain.

25.1 The Parish Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any Members or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for inspection of any member.

25.2 If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Parish Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a Member is disclosed Standing Order 31 shall apply.

25.3 The Parish Clerk shall make known the purport of this Standing Order to every candidate.

**26 INTEREST OF OFFICERS IN CONTRACTS**

26.1 The Parish Clerk shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972 (Appendix B), of a pecuniary interest in a contract and the book shall be open during reasonable hours to the inspection of any Member of the Council.

26.2 The Parish Clerk shall also maintain a register of other interests declared by employees under the Employees Code of Conduct.

**27 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

**27.1**

- a) Canvassing of Members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Parish Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- b) A Member of the council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment
- c) If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or holder of any office under the Council he/she, and the person to whom he/she is related shall disclose the relationship in writing to the Parish Clerk

A candidate who fails to do so shall be disqualified for such appointment and if appointed, may be dismissed without notice.

The Parish Clerk shall report to the Council or appropriate Committee any such disclosures.

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The Parish Clerk shall make known the purport of this Standing Order to every candidate.

27.2 Standing Order No 27 shall apply to tenders as if the person making the tender were a candidate for Appointment.

### **28 INSPECTION OF DOCUMENTS**

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

28.2 All minutes kept by the Council shall be open for the inspection of any member of the Council.

### **29 UNAUTHORISED ACTIVITIES**

29.1 No Member of the Council shall in the name of or on behalf of the Council

- a) inspect any lands or premises which the Council has a right or duty to inspect or
- b) Issue orders:

Unless authorised to do so by the Council.

### **30 ADMISSION OF THE PUBLIC AND PRESS TO MEETING**

30.1 The public shall be admitted to all meetings of the council, which may, however temporarily exclude the public by means of the following resolution, viz.:

'The Council may under Section 100. (a)(4) of the Local Government Act 1972 order that the Public and Press be excluded from the meeting for the following items) of business on the grounds that it could involve the likely disclosure of exempt information as defined in paragraph (....) of Part I of Schedule 12A of the Act".

30.2 The Parish Clerk shall afford to the Press reasonable facilities for taking their report of any proceedings at which they are to be present.

30.3 If a member of the public interrupts the proceedings at any meeting, the Chairperson, may, after warning, order that he/she be removed from the Meeting room.

### **31 CONFIDENTIAL BUSINESS**

31.1

- a) No Member of the Council shall disclose to any person not a Member of the Council any business declared to be confidential by the Council.
- b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from the Council by the Council.

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**32 PLANNING APPLICATIONS**

**32.1**

- a) All planning applications shall be laid before the Council for comment and representation except that when representations are required before the date of the next meeting of the Council and the Parish Clerk shall notify all members in writing of the details of the application and recommend an appropriate response.
- b) The Parish Clerk shall be notified in writing if any Member disagrees with the recommended response and will consult with the Chairperson, or Vice Chairperson, on appropriate action.
- c) The Chairperson, shall have delegated authority to determine planning applications during Recesses and the decision must be reported to the next appropriate meeting of the Parish Council.

**33 STANDING ORDER IN CONTRACTS**

**33.1**

- a) Where it is intended to enter into a contract exceeding £2,500 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least 3 weeks' notice on the summons to attend the meeting of the Council. Such notice to be displayed on public notice boards in the usual manner. Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition in such newspapers circulating in the district, as the Council shall direct.
- b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders shall reach that person in the ordinary course of post.
- c) Tenders shall be opened by the Parish Clerk in the presence of the Chairperson, of the Council or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council.
- d) The Council is not bound to accept the lowest tender.
- e) If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- f) A notice issued under this standing order shall contain a statement of the effect of Standing Orders 25 and 27.

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**34 URGENT BUSINESS**

34.1 A decision will be urgent if any delay would seriously prejudice the Parish Council or the public interest.

34.2 Any decision taken by the Chairperson, as a matter of urgency must be reported to the next meeting of the Parish Council together with the reasons for urgency

**35 PETITIONS**

35.1 Petitions may be presented to the Chairperson, at the Parish Council Meetings.

35.2 The person presenting the petition must be a Registered Elector of the Parish.

35.3 Prior to the start of business, the Petition should be handed without comment to the Chairperson.

35.4 Where there is more than one petition, they will be presented in the order in which notification is received.

35.5 No discussion on any matter received in the petition shall be allowed and the same shall be placed on the Agenda for the meeting of the Parish Council unless the matter is itemised on the Agenda.

**36 PUBLIC PARTICIPATION AT PARISH COUNCIL MEETINGS**

36.1 At any ordinary meeting of the Parish Council to which the Press and public are admitted; any elector registered within Swettenham may ask the Chairperson, any question on any matter in relation to which the Parish Council has power and duties. The following provisions applying to each question:

- a) Question time will follow immediately after the confirmation of the Minutes of the previous Council Meeting and will be limited to TEN MINUTES duration.
- b) Questions maybe put orally or by reference to a written notice that must be handed to the Parish Clerk before the meeting commences.
- c) Any discussion shall be at the discretion of the Chairperson, and within the time limitation Unless the subject is already itemised on the Agenda, it shall be automatically referred to the next meeting of the Parish Council

**37 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

**37.1**

- a) Subject to paragraph (b) of this Standing Order any of the preceding Standing Orders may be suspended by resolution in relation to any specific item of business.

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- b) A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one half of the whole number of the Members of the Council (3)

37.2 A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**38 STANDING ORDER TO BE GIVEN TO MEMBERS**

38.1 A copy of these Standing Orders shall be given to each member by the Parish Clerk upon delivery to him/her of the Member's Declaration of Acceptance of Office.

**39 TIME LIMIT ON MEETINGS**

39.1 All Meetings must end at or before 9.30 pm. The Council will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

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**APPENDIX 'A'**

**INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

**Local Government Act 1972— Section 94**

1. Subject to the provisions of Section 97 below, if a Member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he/she shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any tines with respect to it.
2. If any person fails to comply with the provisions of Sub-Section (1) above he/she shall for each office be liable on summary conviction to a fine not exceeding £200 unless he proved that he/she did not know that the contract, proposed contract or other Matter in which he/she had a pecuniary interest was the subject of consideration at that meeting.
3. A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
4. A local authority may by Standing Order provide for the exclusion of a Member of the authority from a meeting of the authority while any contract, proposed contract, or other matter in which he/she has a pecuniary interest, direct or indirect, is under consideration.
5. The following, that is to say:-
  - a. The receipt by the chairman; vice-chairman or deputy chairman of a principal Council of an allowance to meet the expenses of his/her office or his/her right to receive, or the possibility of his/her receiving , such an allowance;
  - b. The receipt by a member of a local authority of an allowance or other payment under any provision of Sections 173 to 176 or his/her right to receive, or the possibility of his receiving, any such payment,

shall not be treated as a pecuniary interest for the purposes of this section.

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**Local Government Act 1972— Section 95**

1. For the purpose of Section 94 above a person shall be treated, subject to the following provisions of this section and to Section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter if :-
  - a. he/she or any nominee of his/her is a Member of a company or other body with. which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration: or
  - b. he/she is a partner, or is in the employment, of a person with whom the contact was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
2. Subsection (1) above does not apply to membership of or employment under any public body, and a Member of a company or other body shall not by reason only of his/her membership be treated as having an interest in any contract, proposed contract or other matter if he/she has no beneficial interest in any securities of that company or other body.
3. In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of Section 94 above to be also an interest of the other.

**Local Government Act 1972— Section 95**

1. A general notice given in writing to the proper officer of the authority by a Member thereof to the effect that he/she or his/her spouse is a Member or in the employment of a specified company or other body, or that he/she or his/her spouse is a partner or in the employment of a specific person, or that he/she or his/her spouse is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his/her interest in any contact, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after that date of the notice.
2. The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under Section 94 above and of any notice given under this section and the book shall be open at all reasonable hours to the inspection of any Member of the local authority.

**Local Government Act 1972— Section 97**

1. The District Council, as respects a Member of a Parish or Community council and the Secretary of State, as respects a Member of any other local authority may, subject to such condition as the District Council or the Secretary of State may think fit to impose, remove any disability imposed by Section 94 above in any case in which the number of Members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business or

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in any other case in which it appears to the District Council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

2. The power of a District Council and of the Secretary of State under Sub-Section (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any Member (or, in the case of the power of the Secretary of State, any Member or any class or description of Member) by reason of such interests, and in respect of such matters, as may be specified by the Council or the Secretary of State.
3. Nothing in Section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a District Council or the Secretary of State for the exercise of the powers conferred by sub-section (1) and (2) above.
4. Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a Member of a local authority has as a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to the public.
5. For the purposes of Section 94 above a Member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his/her or of any company, body or person with which he/she is connected as mentioned in Section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a Member in the consideration of discussion of, or in voting on, any question with respect to that contract or matter.
6. Where a Member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is more than one class, the total nominal value of shares of any one class in which he/she has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him/her from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his/her duty to disclose his/her interest.

**Local Government Act 1972— Section 98**

1. In Section 95 and 97 above "securities" and "shares" have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958.
2. In section 95 above "Public Body" includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and National. Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907.



SWETTENHAM PARISH COUNCIL  
STANDING ORDERS

APPENDIX 'B'

**INTEREST OF OFFICERS IN CONTRACTS**

**Local Government Act 1972— Section 117**

1. If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he/she has a pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof he/she shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or, proposed contract if he/she would have been so treated by virtue of Section 95 above had he/she been a member of the authority.

2. An officer of a local authority shall not, under colour of his/her office or employment; accept any fee or reward whatsoever other than his/her proper remuneration.
3. Any person who contravenes the provisions of sub-section (1) or (2) above shall be liable on summary conviction to a fine not exceeding £200.
4. References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.