

## **Vale of Montgomery Rural cluster**

### **STANDING ORDERS**

The Vale of Montgomery rural cluster (called from here on 'The Partnership') has drawn up these Standing Orders to manage the Partnership's business, in accordance with Paragraph 42 of Schedule 12 of the Local Government Act 1972, and in relation to drawing up contracts, in accordance with the terms of Section 135 of that Act. They should not be considered as invalidating any statutory requirements nor the effects of relevant case law.

The Standing Orders printed in **bold** below are a selection of the numerous mandatory statutory requirements and related case law, which are pertinent to Town and Community Councils in Wales, and therefore cannot in general be disregarded by a resolution. However, it should be understood that they do not completely incorporate all statutory provisions that are connected with them.

### **MEETINGS OF THE CLUSTER**

1. **The Annual General Meeting will be held on a date during June to be decided by the Partnership. It will be held at a time to be decided by the Partnership.**
2. Every year, in addition to the annual meeting, the Partnership will hold at least four other general meetings to discuss its business.
3. **The Chairman may call a special meeting of the Partnership at any time, and if he/she refuses to call such a meeting after receiving a request to do so, signed by two members of the Partnership, or if he/she, without refusing the request, fails to call a special meeting within seven days of receiving such a request, any two members of the Partnership, after that refusal or after the seven days have passed, as the case may be, can call a special meeting of the Partnership immediately.**
4. **Partnership meetings, or meetings of Committees or Sub-committees, can be held anywhere, either within or outside the area, as decided by the Partnership, its Committees or Sub-committees, but will not be held in buildings licensed to sell alcoholic drinks, unless no other suitable room is available free of charge or for a reasonable cost.** Generally, however, Partnership meetings will take place in each of the parent council areas.
5. **At least three clear days before the Partnership meeting, or Partnership Committee, due notice should be given of the meeting, which will include the business proposed for discussion, and left in, or posted to the usual dwelling place of every member of the Council, or emailed to them.**
6. **Partnership Meetings and Partnership Committee meetings are, without exception, held and managed in accordance with the law** and these Standing Orders. No smoking is allowed whatsoever in meetings.

### **APPOINTING COMMITTEES AND SUB-COMMITTEES**

7. For the purpose of fulfilling its duties or in order to consult on any matter connected with them, the Partnership may appoint one or more Committees comprising members of the Partnership along with individuals who are not members, if they so wish, but the latter will not have voting rights on the committees, and may not be elected as Chairman of any committees.
8. A committee appointed in accordance with Standing Order 7 above for the purpose of fulfilling any of the Partnership's duties or to consult on any related matters, unless the Partnership decides otherwise, may appoint one or more sub-committees which will comprise members of the Committee and individuals who are not members, but the latter will not have voting rights on the sub-committees and may not be elected as Chairman.
9. Unless the Partnership decides otherwise, any Committees appointed in accordance with Standing Order 7 above and any sub-committees appointed in accordance with Standing Order 8 above, will appoint their own Chairman.
10. The Committees and sub-committees will report back to the Partnership or the Committee which appointed them in relation to decisions made in accordance with any functional powers delegated to them and/or recommendations/comments on any matter which is relevant to their terms of reference.

## **ELECTION OF CHAIRMAN AND APPOINTING A VICE CHAIRMAN**

11. **During the Partnership's Annual General Meeting, a Chairman will be elected from the Members and unless he/she resigns or becomes ineligible to hold that position, will remain in that position until his/her successor has the right to assume that position (i.e. after electing his/her successor to that post in the Partnership's next annual general meeting or after being elected to fill the vacant post of Chairman if that should happen first).**
12. **The Chairman, in the annual meeting when he/she is elected or re-elected (or in the meeting where he/she is elected to a vacant position for that post), or if the Partnership so permits in that meeting, prior to that in a later meeting arranged by the Partnership, will in the presence of a member of the Partnership or Proper Officer, and present to the Partnership, a statement accepting the post and if he/she does not do this, then the post of Chairman will become vacant. If he/she is present in any meeting of the Partnership, the Chairman will preside at that meeting.**
13. **The person presiding at the time the Chairman is appointed will be ineligible to be a candidate to be re-elected to that position if he/she is still presiding. Therefore, an individual presiding and who is a candidate for that position (e.g. a Chairman at the end of his/her term of office and who wishes to be re-elected) has to vacate the chair and leave the meeting before his/her name may be formally proposed as a candidate.**
14. **If the vote is equal in the election for Chairman, the person presiding in the meeting has a casting vote in addition to any other vote that he/she is entitled to.**

15. **A vice-chairman is appointed annually by the Partnership from its members and, if such an appointment is made, the post will be held until immediately after the Chairman is elected in the Partnership's next annual general meeting, unless he/she resigns or becomes ineligible before that. If the Chairman is absent from a Partnership meeting, the Vice-chairman will preside in his/her place, but if the Chairman and Vice-chairman are both absent, then a member selected by the other Partnership members present at that meeting, will preside.**
16. The Chairman, Vice-chairman or the Presiding member who is presiding in a Partnership meeting, or Committee or Sub-committee, has the power to exercise all the powers and duties pertinent to the post of Chairman in regard to holding the meeting, **including the right to vote for a second time or have a casting vote, but will not take on the executive functional powers and responsibilities of the Partnership, nor carry those out on its behalf.**

#### **STATEMENT ACCEPTING THE POST OF COMMUNITY COUNCILLOR**

17. **An individual selected to represent his/her council in the Partnership has already been elected to the position of Community Councillor and will have given a statement accepting that position according to a format determined by an Order issued by the National Assembly for Wales.**

#### **AGENDAS FOR COUNCIL AND COMMITTEE MEETINGS, AND ORDER OF BUSINESS**

18. Apart from the provisions of these Standing Orders, or via statute, no item of business, nor proposal should be included on the agenda for a meeting of the Council, nor its Committees, nor be discussed in them, unless it has been included on the agenda by the Clerk, or Member of the Council, on the condition in the latter case of giving written notice of such items to the Clerk no later than seven (7) clear days before the date of the meeting. The Clerk will include each item of business or proposal where appropriate warning, as above, has been given on meeting agenda.
19. A copy of the agenda will be sent to County Councillors representing the Partnership area.
20. Subject to any relevant statutory requirements, and other provisions in other parts of these Standing Orders, including provisions for varying the order of business, the business of each Partnership meeting (except for the annual meeting) should be discussed in the following order: -
  - (a) To elect a member to preside in the absence of the Chairman and Vice-chairman.
  - (b) Receive apologies for absence from any member, and consider accepting, or otherwise the reason given, if a reason is given, for that absence.
  - (c) The presiding member to sign the minutes of the previous meeting.
  - (d) Receive declarations of personal interests and their nature, according to the Partnership's adopted Code of Conduct for its members.
  - (e) Inspect, and where possible, make decisions regarding any remaining minutes.

- (e) Receive reports of the Committees and Sub-committees appointed by the Partnership.
  - (f) Receive correspondence as listed and, where appropriate, decide on such correspondence.
  - (g) Consider items of business included on the agenda by the Co-ordinator and other items of business included by members of the Partnership, in the order which the Co-ordinator considers most appropriate.
  - (h) Consider business matters raised by Powys County Council.
  - (i) Consider and approve accounts for payment, including financial reports to be presented to Powys County Council according to the delegated agreement.
  - (j) Decide on or confirm the date of the Partnership's next general meeting.
21. In the Partnership's Annual Meeting, in addition, the following business will be discussed in the following order: -
- (a) Election of Chairman.
  - (b) Appointment of Vice-chairman.
  - (c) Appointment or re-appointment of any Committees or standing Sub-committees or Working Parties.
  - (d) Appointment or re-appointment of Members to serve on external bodies.
  - (e) Consider awarding grants to voluntary organisations from money raised by the Partnership.
  - (f) Delegate or renew the Co-ordinator's functional powers to act on urgent business which arises between Partnership meetings (and consulting with the Chairman and Vice-chairman or as required).
  - (g) Determine the Chairman's allowance (if applicable).
22. Without impairing the order prescribed for discussing business, as noted in Standing Orders 20 and 21 above, it will be possible to precede any business to be discussed in any Partnership meeting with supplementary general items which do not require a decision in the meeting, but under appropriate circumstances, it will be possible to include them on the agenda of a later meeting of the Partnership, or Committee or Sub-committee in order to consider or refer them to present a report or reports, and such items will be limited as follows: -
- (a) consider matters raised in the meeting or before the meeting by members of the public who are present (the Partnership has a policy of inviting the public to participate);
  - (b) making statements; and
  - (c) receiving reports from members in relation to attendance at meetings of external bodies on which they were appointed to serve as representatives of the Partnership.

### **NOTICE OF PROPOSAL**

23. a) With the exception of the provision under Standing Order 28 below, any notice of a proposal should be in writing, signed by the Partnership member or members giving the notice, and should be presented to the Co-ordinator in accordance with the

requirements of Standing Order 18 above. Then the Co-ordinator will date and number proposals in the order they are received, and record them in a book, which will be available for each member of the Partnership to inspect.

b) A member can present an emergency motion to the chairman at the start of a meeting.

c) A member can present a motion which arises from the Co-ordinator's report.

24. The Co-ordinator will include in the notice of meeting (agenda) for every Partnership meeting every notice of proposal received in the order they were received, unless the member presenting the proposal has given written notice when presenting it that he/she wants to present it at a later meeting or that it has been withdrawn by giving written notice.
25. If a notice that has been properly presented is not included in the notice of meeting (agenda), then it can be dealt with, unless it is postponed with the Partnership's permission, as if it has been left, and can not be presented without giving notice again.
26. Having been presented, proposals which have been properly presented, and their inclusion is connected with delegation or terms of reference of any Partnership Committee or Sub-committee, can be directed for discussion to that Committee or Sub-committee, or to whichever Committee or Sub-committee the Partnership sees fit, to be considered and will be reported to the next Partnership meeting, although the Partnership can, if it thinks it appropriate and favourable in regard to fulfilling its business, can give permission for the proposal to be dealt with in the meeting where it is presented.
27. Every notice of proposal will be relevant to some matter over which the partnership has power, or which affects the Community.

### **PROPOSALS WHICH CAN BE MADE WITHOUT NOTICE**

28. The following proposals can be made without notice: -
  - (a) Appointment of a Chairman to preside in the absence of the Chairman and Vice-chairman.
  - (b) With regard to the accuracy of the minutes of the previous meeting.
  - (c) To change the order of business.
  - (d) To move forward to the next item of business.
  - (e) Close or postpone the discussion on any specific item of business.
  - (f) To refer a matter to a Committee, Sub-committee or Working Party.
  - (g) Appointing a Committee or Working party and/or Members to serve on these bodies.
  - (h) To receive and/or adopt a report.
  - (i) To withdraw a proposal.
  - (j) To amend a proposal.
  - (k) To exclude the public and the press under appropriate circumstances.
  - (l) To postpone the meeting in the event of unruly conduct.

- (m) To waive the requirements of any Standing Orders, unless that would mean that the statutory requirements (those in **bold** print in this document) are invalid.
- (n) To postpone the meeting.
- (o) To put the motion.
- (p) With regard to any item of business on the meeting's agenda.

## **QUESTIONS**

- 29. A Member can ask the Chairman or the Co-ordinator any question in relation to the Partnership's functions or business, on the condition that he/she gives seven (7) clear days notice of this to the Co-ordinator. Every such question will be asked and answered without discussion, and those being asked the question can refuse to answer the question unless it would of public benefit to do so.

## **RULES OF DISCUSSION**

- 30. The minutes may not be discussed, other than for accuracy. Any corrections to minutes may be made when they are signed. Therefore any proposed corrections should be sent in writing to the Co-ordinator prior to the meeting in which the minutes are presented for signing.
- 31. Members should direct their comments on the subject under discussion only, and should address comments through the Chair.
- 32. If one or more members wish to speak, the Chairman will decide on the order in which they will speak.
- 33. A proposal or an amendment to a proposal will not be discussed, apart from those dealing with a business item on the agenda, unless it has been formally proposed and seconded in respect of a proposal, and unless sufficient notice has been given according to Standing Order 23 above or as noted in Standing Order 28 above.
- 34. An amendment to a proposal may only be made in the following circumstances: -
  - (a) To leave words out;
  - (b) To leave words out and add or insert other words;
  - (c) To insert or add words

but omitting or inserting words in this way will not lead to a new proposal compared to the original proposal before the Partnership, not negate that proposal
- 35. If an amendment is defeated, it will be possible to propose other amendments to the original motion. If an amendment is carried, the amended proposal will then replace the original proposal and that will then become the substantive proposal on which further amendments may be proposed.
- 36. Any person proposing a decision be made has the right to reply immediately before the motion goes to a vote. If an amendment is proposed, the proposer of the amendment has the right of reply immediately before the amendment is voted upon. A member who uses this right to reply, has no right to present further matters for

discussion on the matter. After using or refusing the right to reply, a vote will be taken without further discussion.

37. A member may raise a matter of order or give a personal explanation, but this should be limited to a relevant part of a previous speech made in that meeting and which could have been misunderstood and he/she will have the right to be heard immediately but no discussion will take place on the Chairman's decision in relation to a matter of order or acceptability of a personal explanation. In such circumstances the Chairman will stand during the discussion, and all other members of the Partnership should remain quiet.
38. A proposal or amendment may be withdrawn by the proposer (with the premission of the seconder) and the Partnership's agreement, which is signified by the lack of discussion, and no other member may speak on the matter after the proposer has asked to withdraw the proposal, unless that permission is refused.
39. When a proposal is being discussed, no other proposal may be made other than the following:-
  - (a) To change the proposal.
  - (b) To postpone consideration of the proposal.
  - (c) To postpone the meeting.
  - (d) To postpone the discussion.
  - (e) To move on to the next item of business.
  - (f) That the proposal be put to the meeting.
  - (g) That a member be prevented from speaking further.
  - (h) That a member should leave the meeting.
  - (i) That the matter under discussion be referred back to a Committee or Sub-committee.
  - (j) That the public or press be excluded.
40. Without prejudicing the terms of these Standing Orders, nor the statutory right of any Member to ask for a formal vote on any matter to be decided by the Partnership, it is possible for the Partnership, Committee or Sub-committee to make decisions, on the basis of a consensus or silent agreement.

### **REVOKING DECISIONS**

41. Proposals to revoke any previous decision made during the preceding six months are not permitted, nor any proposal nor amendment to the same effect that have been negated during the previous six months unless due notice and details have been given in the notice of meeting, and the notice is valid, in addition to the name of the member making the proposal, the names of three (3) other members; and when the Partnership has dealt with such a proposal, no other member may make a similar proposal for at least a further six months. This Standing order will not apply to proposals made by the Chairman or other member of a Partnership Committee or Sub-committee in accordance with a recommendation by such a Committee or Sub-committee.

## **QUORUM**

42. **The Partnership's business should not be discussed in a Partnership meeting unless at least four members of the total of the partnership's members are present in the meeting, but the quorum will never be less than five. Therefore in relation to partnership meetings, the minimum number of members needed to be quorate will be four (4).**
43. If a Partnership meeting is not quorate, or if the number of members present falls below the quorum, the business not discussed should be discussed in the next Partnership general meeting or in a special meeting of the Partnership called for the purpose of discussing this business.
44. The quorum for each Partnership Committee or Sub-committee will be at least three (3) members.

## **VOTING**

45. **Every decision which comes before a meeting of the Partnership, its Committees and Sub-committees, will be made by a majority vote of the members present and voting on them in a Partnership meeting which has been convened in an appropriate manner. A vote will be taken by a show of hands (or otherwise via a secret ballot if the Partnership, Committee or Sub-committee so decides, as is the case). However, at the request of any Partnership member, the votes on any proposal may be recorded in order to indicate whether every member who was present has voted, and if such members voted in favour or against the motion. A Member has the right to have his/her name recorded in the minutes to note if he/she voted against a specific matter or abstained from voting on such matter.**
46. If the number of votes cast is equal, and the presiding Member in a Partnership, Committee or Sub-committee meeting decides not to cast a second or casting vote, the proposal under consideration, or amendment, will fall, and the partnership, Committee or Sub-committee, as is the case, will move on to the next item; **except when a Chairman is elected, when it is legally required that the member presiding uses a casting vote.**
47. **When a vote is held in a case where more than two people have been nominated for the same position (e.g. an appointment to fill a casual post, an appointment to serve on an external body or when appointing staff etc) the successful candidate should receive an absolute majority of the members present who are voting, removing the candidate with the least number of votes from the list, and taking new votes until one person has achieved a majority.**

## **UNRULY CONDUCT**

48. Members in a meeting of the Partnership, its Committees or Sub-committees should not ignore a ruling by the presiding member, interfere with business deliberately, nor



behave in an unruly, offensive, or inappropriate manner, nor in any way which would discredit the Partnership.

49. If, in the opinion of the presiding member, a Member has broken the requirements of Standing Order 48 above, any Member may propose that that Member be prevented from speaking further. Then the motion will be put to the meeting without discussion.
50. If such a proposal is carried, and the Member concerned continues to break the requirements of Standing Order 48, the presiding member can postpone the meeting or take whatever further steps may be considered necessary or convenient, within reason.

### **CANVASSING MEMBERS AND THEIR RECOMMENDATIONS**

51. If an applicant canvasses Members, either directly or indirectly, for any post that the partnership is due to appoint to, that will make the applicant ineligible for that post, and the Co-ordinator will inform all applicants for that post of the terms of this Standing Order.
52. No Member should apply for a job with the Partnership, not recommend anyone for such a post nor for promotion. However, the requirements of this Standing Order do not prevent a member from giving a written reference in relation to the candidate's ability, experience or character to be presented to the Partnership with a job application. Also, the terms of the Standing Order are applicable to tenders and pricing as if those presenting tenders or prices are applying for a job.

### **THE RIGHTS OF THE PUBLIC IN RELATION TO ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTING DOCUMENTS**

53. **All Partnership meetings and Committee(s) meetings are open to the public. However, the Partnership or Committee, as is the case, can decide to exclude the public and the press (either for part or a whole meeting) whenever publicity would be harmful to the public good due to the confidential nature of the business to be discussed or for any other special reason noted in that decision and which is raised due to the nature of that business or discussions, and if it is decided to do this, the meeting need not be open to the public during the discussions to which this decision applies. The Partnership or Committee can deal with the need to receive or to consider recommendations or advice from sources other than members, its Committees or Sub-committees, as is the case, as a special reason why publicity would be harmful to the public good, without having to account for the subject nor purpose of the recommendations or advice.**

**Whilst such a meeting may be open to the public, the Partnership nor Committee, as is the case, will not have the power to exclude members of the public, and reasonable provision should be made, as far as is reasonably practicable, for appropriate official representatives from newspapers who are there for the purpose of reporting on the meeting and discussions to those newspapers, to take notes, and unless the meeting is held in a location not owned by the Partnership or has no telephone, to telephone their report through at their own cost. The provisions of this**

**Standing Order do not affect the power to exclude anyone in order to prevent or safeguard against unruly conduct or other misconduct in a meeting.**

54. Further, the Partnership will abide by the principle of openness in regard to giving access to meetings and documents to the public, as noted in Section 100A up to K etc in the Local Government Act 1972 (as appended by the Local Government Act (Right to Information) 1985), as though it were a main council (i.e. a County Council), to the extent that is possible in regard to the Partnership's functions, especially with regard to allowing the public access to meetings of Sub-committees and the right to see agendas, reports, minutes and background papers. **Also, the Partnership will fully comply with any current requirements and future requirements which will affect it as a result of the Freedom of Information Act 2000 and the Statutory Instruments made under that act.**
55. Regardless of the principle of openness in regard to the Partnership's discussions, as noted in Standing Order 54 above, no member should disclose to anyone who is not a Member of the Partnership any of the Partnership's business which is deemed confidential.
56. A Member has the right, only for the purpose of undertaking his/her functions, duties and responsibilities as a Member, to inspect any document held by the Partnership, and where practical, can have a copy of such for that purpose.

#### **APPOINTING STAFF**

57. The Partnership may appoint whatever members of staff and other workers it deems necessary, including a Co-ordinator, in order to fulfill its functions in an appropriate manner. **Terms of appointment or employment conditions for each member of staff will be deemed to include the Code of Conduct in The Schedule to the Code of Conduct Order (Eligible Local Government Employees) (Wales) 2001.**
58. **The Partnership will appoint a Responsible Finance Officer** (who could also be the Co-ordinator), **with specific duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.**
59. **The administrative body will appoint a totally independent internal auditor to undertake the functions identified in Regulation 5 of the Accounts and Audit Regulations 1996 and the Audit Codes of Practice drawn up by the Audit Commission** and the Partnership will consider any recommendations or comments made by it from time to time.
60. **Appointments to jobs or paid employment within the Partnership, should always be based on merit, conditional on any relevant statutory exceptions to that necessity and, in order to safeguard the Partnership from any claims of favouritism, Partnership workers will not be involved in any appointments, nor other decisions related to disciplinary, promotion nor**

**pay matters, and conditions for any other worker or potential worker, they are related to, or have a personal relationship with outside work.**

## **CONTRACTS**

The Partnership operates a Recognized Tender List (see Appendix 1).

61. **a) If a contract worth more than £1,000 is intended, but not more than £7,000 value or total to supply goods or materials or for completing work, the Partnership's Responsible Finance Officer will give at least three (3) weeks public notice of that intent.**  
  
b) The Co-ordinator is authorised to pay invoices less than £1000 value.
62. **On condition of Standing Order 63 below, where the value of the proposed contract is over £7,000 value or total, similar notice should be given in addition in which ever newspapers circulate in the area in which the Partnership intends to operate.**
63. **If the Partnership is of the opinion that the goods, materials or work is specialist in nature, then differently to Standing Order 62 above, it will be possible to invite tenders from at least three contractors, chosen by the Partnership, who specialise in that type of work etc, to form the contract concerned.**
64. **The notice, or invitation to tender for a contract worth over £7,000 in value or total will note the general nature of the proposed contract and the name and address of the person to whom the tender should be sent along with the closing date to send tenders to that person via the postal service.**
65. **Tenders/estimates received will be opened by the Responsible Finance Officer or other person to whom tenders should be sent, in the presence of the Partnership or Committee/Sub-committee/Officer to whom the responsibility for awarding the contract has been delegated.**
66. **The Partnership is not obliged to accept the lowest tender.**
67. **If no tenders are received, or if all tenders are the same, the Partnership should make arrangements to purchase the goods or materials or to complete the work as it sees fit.**
68. **Notices/invitations to tender presented in accordance with Standing Orders 61, 62, 63 and 64 include a statement to the same effect as Standing Order 52 with regard to tendering and estimates.**
69. **No Member of the Partnership should order, or give directions nor instruction in the name of the Partnership unless those orders etc are specifically authorised by the Partnership or in accordance with the powers delegated to a Committee, Sub-committee or Officer, and these Standing Orders and the Partnership's Financial Regulations should be upheld without exception in this respect.**

## **PRESENTATION OF DOCUMENTS**

70. **All relevant documents (e.g. those related to land dealings etc) should be presented with the Partnership's common seal (or, if the Partnership has no seal, it should be noted what instrument was used to sign and seal them by two members of the Partnership, who may be appointed for that purpose, to be formally authorised to do so as decided by the Partnership.**

## **PROPER OFFICER**

71. Where a statute, regulation or order outlines the Partnership's Proper Officer's functions or duties, in the following cases, that officer will be the Co-ordinator: -
- (a) Receive confirmation of accepting jobs and witnessing such.
  - (b) Receive and keep plans and documents.
  - (c) Sign notices and other documents on behalf of the Partnership.
  - (d) Receive copies of by-laws drawn up by the County Council.
  - (e) Sign notices to attend meetings of the Partnership, its Committees and Sub-committees.

In every other case, the Proper Officer will be the officer nominated by the Partnership and if no-one has been nominated, then the Co-ordinator will be the Proper Officer.

## **MANAGING EXPENDITURE AND FINANCE**

72. **The terms and requirements of the partnership's approved Financial Regulations should be adhered to, with regard to any decisions regarding expenditure** and the Partnership will receive and give due consideration to any recommendations or comments made by the Internal Auditor of the Administrative body with regard to financial management of its affairs.

## **CODE OF CONDUCT FOR MEMBERS AND OFFICERS**

73. **Members should behave in accordance with the principles identified in relation to conduct, as noted in Section 49(2) of the Local Government Act 2000 and the Members Conduct Order (Principles) (Wales) 2001, namely in an unselfish, honest, sincere manner, and with propriety, a duty to uphold the law, stewardship, to be objective when making decisions, equality and respect, be open, accountable and to show leadership.**
74. **When undertaking work on behalf of the Partnership, including being a member and those elected and appointed, and when representing the Partnership, Members should follow and abide by the Code of Conduct adopted by the Partnership in accordance with the requirements of Section 51 of the 2000 Act, including any exemplary code published by the National Assembly of Wales under Section 50(2) of the same Act.**

75. **If a member is representing the Partnership on another body, that member, when acting in that capacity, will abide by the Code, unless it goes against any legal obligations which may arise as a result of his/her service on that body.**
76. **Members will fulfill their duties and responsibilities and give due notice to the need to promote equal opportunities for all, regardless of gender, race, disability, sexual tendency, age or religion, and will show respect and consideration to others. They should do nothing which could prejudice or is likely to prejudice the neutrality of the authority's employees.**
77. **Members should not disclose any confidential information given to them, without the specific permission of an individual authorised to give such permission, unless legally required, and they should not prevent anyone having access to information that he/she is legally entitled to.**
78. **Members should not, in undertaking their jobs or otherwise, commit crimes nor cause crimes to be committed, nor behave in any way which could be considered to be behaving in a way which would discredit the Partnership and will inform the Local Commissioner for Local Administration in Wales and the appropriate Monitoring Officer (namely the officer so appointed by the County Council in the Partnership area) about any conduct by another Partnership Member they believe includes, or is likely to include, a failure to abide by the Code but, with regard to this necessity, they should not make vexacious or malicious complaints against other people. Also, they will inform of any conduct by anyone else which they believe includes, or is likely to include, criminal behaviour.**
79. **Members (apart from Members who are subject to inspection by the Monitoring Officer) will comply with any request made by the Monitoring Officer in relation to an inspection.**
80. **Members should not, whilst undertaking their duties, or otherwise, use their position in an inappropriate way in order to give or ensure anyone else, especially their families, friends or others with whom there is a close connection, any advantage or disadvantage or to ensure an advantage for themselves. When they (corporately) use or authorise the use of the partnership's resources by another Member, they do so prudently and in accordance with the law and the Partnership's requirements, and will ensure that the Partnership's resources are not inappropriately used for their own private gain, nor their families, nor friends, nor anyone else closely connected with them.**
81. **When Members make decisions they will do so based on merit under the circumstances at the time and for the public good, taking account of any relevant advice received from Partnership officers, especially the Responsible Finance Officer, the Monitoring Officer and Legal Officer, who should be consulted if there is any doubt in relation to the Partnership's power to act, or if that which is proposed is in line with the policy framework agreed by the Partnership which could lead to potential legal implications were the Partnership to act or not could result in important**

repercussions; and will give reasons for their decisions, according to the Partnership's requirements.

82. **Members will abide by the law and rules of the Partnership in relation to claiming expenses and allowances for their positions as members, and will not accept from anyone any gifts, hospitality (apart from official hospitality, such as a civil reception or official dinner which has been authorised by the Partnership), material gain or services for themselves or anyone who lives with the Member, who would, or who could reasonably be seen to, be giving it under inappropriate obligation.**
83. **At all times, members will consider if there is any personal gain to themselves, and if the Code makes it necessary for them to declare that gain or not.**
84. **A Member has a personal gain in relation to a matter if it could reasonably be considered that the decision is likely to be an advantage or a disadvantage to: -**
  - (a) **the member, a member of his/her family or friend, or someone with whom he/she has a close personal connection, or**
  - (b) **A body which employs him/her, or that has some sort of ownership or control over them to a greater extent than council taxpayers, taxpayers or residents in the Partnership area.**
85. **Members will consider there is personal gain in a matter to the degree that it involves: -**
  - (a) **a relevant authority of which he/she is a member;**
  - (b) **a body on which he/she has a general management job; or**
  - (c) **A body to which he/she is appointed or nominated to serve as the Partnership's representative.**
86. **Members also have to consider personal gain in relation to a matter to the degree that it involves: -**
  - (a) **any full time, part-time or occasional work, trade or profession which they practice for profit or gain;**
  - (b) **anyone employed or appointed, any company in which they are a partner, or any company of which they are a paid director;**
  - (c) **anyone, apart from a relevant authority (i.e. County Council, Fire Authority or National Park Authority), which has paid them in relation to being elected or in relation to any expenses incurred whilst carrying out their duties;**
  - (d) **any corporate body which has a place of business or land in the Partnership area, where a Member has a beneficial interest in class of guarantees owned by that body which is worth more than £25,000 (based on original cost) or a hundredth of the total of the share capital issued by that body (whichever is the lower);**
  - (e) **any contract for goods, services or work agreed between the Partnership and the Member, a company in which the Member is a**

- partner, a company of which the Member is a director, or any other body as noted in (d) above;
- (f) any land owned by the Member or in which a relation of the Member has a beneficial interest in and is in the Partnership area;
- (g) any land on which the Partnership is landlord and the tenant is a company in which the Member is a partner, a company of which the Member is a director, or other body as noted in (d) above;
- (h) any land in the Partnership area for which the Member has a licence (individually or jointly with others) to occupy for a month or longer; and
- (i) any journey outside the United Kingdom paid for by the Partnership or for which it will pay.

87. **Members should also consider if they have a personal interest in a matter to the degree that it involves membership of or a general management role with another body. These bodies include the following: -**

- (a) a private club or society, such as the Freemasons, leisure club, working mans club, or private investment club;
- (b) a body whose main purpose includes influencing public opinion or policy, such as a lobbying group;
- (c) trade union(s) or professional society;
- (d) a company, industrial or friendly society or other body with charitable aims.

However, Members can consider if there is no personal gain in the matter to the degree that it involves the partnership's functions in relation to an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travel and food allowances for attending conferences and meetings).

88. **A member who has a personal interest in a matter noted in Standing Order 85 above and who is present in a Partnership, Committee or Sub-committee meeting where the matter is discussed, shall disclose the existence of a personal interest at the start of the discussion, or when the interest becomes apparent. In such a case, the Member may speak but not vote on any matter unless he/she receives a dispensation by the appropriate Standards Committee (of the County Council in whose area the Partnership is).**

89. **A Member who has a personal interest in a matter noted in Standing Orders 86 and 87 above, and who is present in a Partnership, Committee or Sub-committee meeting where the matter is discussed, shall disclose the existence of a personal interest at the start of the discussion, or when the interest becomes apparent. In such a case, the Member may speak but not vote on any matter unless he/she receives a dispensation by the appropriate Standards Committee (of the County Council or Community Council in whose area the Partnership is) and that committee will not consider such a dispensation unless the Member has informed the Monitoring Officer beforehand of the interest, in accordance with Standing Order 91 below, along with the relevant details.**

90. **A Member who has a personal interest in a matter not noted in Standing Orders 85, 86 and 87 above (but including those in Standing Order 84 above), and who is present in a Partnership, Committee or Sub-committee meeting where the matter is discussed, shall disclose the existence of a personal interest at the start of the discussion, or when the interest becomes apparent. If that personal interest is one which could cause a member of the public to reasonably think it could have a substantial effect on the Member's ability to act wholly on merit in relation to the case and for public good were that Member to take part in a discussion on the matter in hand, the member will not take part in consideration of the matter in that meeting, unless he/she receives a dispensation by the appropriate Standards Committee, which will not consider allowing such dispensation unless the member has informed the Monitoring Officer beforehand of the interest, in accordance with Standing Order 91 below, along with the relevant details.**
91. **Members will register declared interests in the Register of Interests which will be kept by the appropriate Monitoring Officer. They will exercise personal responsibility in regard to deciding whether they have personal interests which should be declared, asking for advice on such matters from the Monitoring Officer and will pay appropriate attention to any advice received from the Standards Committee. Members will inform the Monitoring Officer of any changes to his/her registered interests within a month of the change happening.**
92. **Apart from gifts received by the Member on behalf of the Partnership, a Member will inform the Monitoring Officer (Powys County Council) of the existence and nature of any gifts, hospitality, practical benefit or gain the Member has received, or anyone who lives with the Member as far as the member is aware, from any company, body or person and which is connected to his/her position as a member, or arises from that position, where the value of the item or benefit is greater than £5.**
93. **Partnership employees are expected to abide by the relevant Code of Conduct published by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Eligible Local Government Employees) Order (Wales) 2001. This includes the right of the public to expect the highest possible standards of conduct from Partnership employees, considering it is their role to serve the Partnership in regard to giving advice, implementing policies, and providing services to the local community. In the fulfillment of these duties, they will work in an honest, open and impartial way, and objectively.**
94. **Those employees serve the whole Partnership and are answerable to the Partnership and have a duty towards it. They will act in accordance with the principles noted in the Code, and acknowledge the duty of public sector employees to fulfill their public functions reasonably and according to the law.**
95. **Partnership employees will follow the Partnership's legally laid down policy and will not permit personal or political viewpoints to interfere with their work.**



96. **Mutual respect amongst employees and members is essential for good governance, and the working relationship should be based on a professional approach. Employees should deal with the public, Members and any other employees in an efficient, impartial and wholly sympathetic way.**
97. **Employees will comply with policies related to equality matters, as agreed by the Partnership, as well legal requirements.**
98. **Employees will ensure they use public money trusted to them in a responsible and legal manner, and should not use property, vehicles or other Partnership resources for personal purposes, unless they are authorised to do so.**
99. **Although personal lives are a matter for the employees themselves, they should not allow private interests to clash with public duties. They should not misuse their official position nor the information to which they are privy whilst undertaking their duties to promote their own personal interests, nor any other interests. In particular, they should comply with the following: -**
- (a) any Partnership rules in regard to registering and disclosing employees' financial or non-financial interests,**
  - (b) any Partnership rules in regard to employees disclosing hospitality or gifts offered to them or accepted by them, by any individuals or bodies conducting or wishing to conduct business with the Partnership, or who profit or attempting to otherwise profit from a relationship with the Partnership. Employees should not accept gifts from a third party unless they are authorised to do so by the Partnership.**
100. **If an employee learns of activities of another employee which he/she thinks may be illegal, inappropriate, immoral or in any other way inconsistent with the employees' Code, that employee should immediately inform an officer of the occurrence, acting according to the employees' rights under the Public Interest Disclosure Act 1998, and any confidential procedures the Partnership has in place to advise, or any other procedures drawn up for that purpose.**
101. **It is important, at all times, to be open when sharing information and making decisions with relevant authorities. However, some information may be confidential or sensitive and it may not be appropriate to share it with a wide audience. Where confidentiality is required to protect the privacy or other rights of individuals and bodies, information should not be shared with anyone other than a Member of the Partnership, employee or individual entitled to receive that information, or who needs it to fulfil appropriate functions. Nothing in this Code should be deemed to be more important than statutory or legal requirements in relation to keeping specific information confidential, or not to reveal certain specific information.**

102. **Employees associated with recruiting and appointing staff will ensure that appointments are based on merit. In order to safeguard against accusations of favouritism, employees will not be involved with any appointments, nor any other decisions related to disciplinary procedures, promotion, pay nor the conditions of any other employees, nor prospective employees, to whom they are related, or are closely connected with outside work.**
103. **Where the Monitoring Officer holds an inspection in accordance with the Regulations under Section 73(1) of the Local Government Act 2000, employees will comply with any requests made by the Monitoring officer in relation to that inspection.**

### **WELSH LANGUAGE SCHEME AND USE OF THE WELSH LANGUAGE**

104. **Members, Officers and any other employees will abide by the requirements of any Welsh Language Scheme or amended Scheme produced by the Partnership under the Welsh Language Act 1993 and which is approved by the Welsh Language Board.**

### **HUMAN RIGHTS**

105. **As far as is possible, basic and subordinate legislation must be read and actioned in a way which is compatible with basic rights and freedom noted in the European Convention on Human Rights as recorded in the Human Rights Act 1998 and therefore, it is illegal for a public authority to act in a way not compatible with the rights in the Convention. The Partnership will therefore consider human rights principles when making decisions that affect people's rights.**

### **VARYING, ABOLISHING AND WAIVING THE STANDING ORDERS**

106. Subject to statutory requirements, it will be possible to waive any of these Standing Orders, apart from those in **bold type**, through a decision made by the Partnership, in regard to any specific item of business, on the condition that at least two thirds of the members present and voting on the motion are in favour. A Partnership Committee or Sub-committee in the same way, can waive via a decision any of these Standing Orders in relation to any specific item of business over which it has appropriately delegated functional powers, with the above conditions. The Standing Orders may be waived for the meeting only where that decision is made.
107. Any proposal to add to, vary or abolish these Standing Orders, having been proposed (and seconded), will remain postponed without discussion until the next general meeting of the Council.

### **STANDING ORDERS FOR MEMBERS AND OFFICERS**

109. The Co-ordinator will give a copy of these Standing Orders to every partnership Member. Also, the Co-ordinator will give a copy of the Standing Orders to any Officer or other employee when he/she is appointed.

Signed (Chairman): \_\_\_\_\_

Signed (Co-ordinator): \_\_\_\_\_

Date: \_\_\_\_\_