

**ANTROBUS PARISH COUNCIL STANDING ORDERS**

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## MEETINGS

1. Meetings of the Council shall be held in the Antrobus Village Hall at 7.30pm unless the Council decides otherwise at a previous meeting. Meeting of a committee shall be held at any public location.
2. At least 3 clear days (as defined by statute) before each Council meeting Councillors will receive a summons and an Agenda. The minimum three clear days' public notice for a committee meeting does not include the day on which the notice was issued or the day of the meeting.
3. **The Statutory Annual Meeting shall, in a year when Parish Councillors are elected, be held on the fourth day after the date of the election or within fourteen days thereafter. In any other years it will be held on the third Monday in May.**
4. **The three other statutory meetings** together with a further seven additional meetings shall be held on the third Monday of each month with the following exceptions:
  - a) August when, with the agreement of the majority of councillors, no meeting may be held
  - b) December, when the meeting may be held on the second Monday of the month.
5. The Annual Parish Meeting will be held on the third Monday in May. Minutes of the previous Annual Parish Meeting will be presented together with the Chairman's Annual Report and a Statement of Accounts.
6. Meetings are open to the public.

## CHAIRMAN OF MEETING

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

## PROPER OFFICER

8. 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 Clerk:
  - a) to receive declarations of acceptance of office.
  - b) to receive and record notices disclosing interests at meetings.
  - c) to receive and retain plans and documents.
  - d) to sign notices or other documents on behalf of the Council.
  - e) to receive copies of bylaws made by a District Council.
  - f) to sign summonses to attend meetings of the Council.

## QUORUM

9. **Three members of the Council shall constitute a quorum.**  
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 interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chairman may fix.

### VOTING

- 10. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.**
- 11. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.**
- 12. Subject to items 13 and 14 the Chairman may give an original vote on any matter put to the vote, and in the case of the equality of votes may give a casting vote even though he gave no original vote.**
- 13. If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their terms of office he/she may not give an original vote in an election for Chairman.**
- 14. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

### ORDER OF BUSINESS

- 15. At each Annual Meeting in May the first business shall be:**
  - a) **To elect a Chairman**
  - b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - c) **In the ordinary year of the election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - d) **To decide when any declaration of acceptance of office which have not been received as provided by law shall be received.**
  - e) **To elect a Vice Chairman and as appropriate the following officers and representatives:-**
    - Charity Trustees
    - Burleymen
    - Village Hall Representative
    - Tree Officer
    - Cheshire Association of Local Councils Representative
    - Police Forum Representative
  - f) **To elect a Planning Committee consisting of the Chairman, Vice Chairman and the Immediate Past Chairman providing he is still a serving member of the Council and 2 or 3 Councillors.**

When a planning recommendation has to be made between meetings to meet the deadlines laid down by the relevant local planning authority the Planning Committee shall be authorised to meet and make recommendations on behalf of Antrobus Parish Council and submit those recommendations to the relevant local

planning authority. The recommendations will be recorded in the minutes of the next Parish Council meeting.

If an application is contentious the Planning Committee should request a meeting of the full Parish Council.

- g) To elect a Finance working group consisting of the Chairman, Vice Chairman and either the Immediate Past Chairman providing he is still a serving member of the Council or one other councillor
- g) To consider the payment of any subscriptions falling to be paid annually.
- i) To inspect any deeds and trust instruments in the custody of the council together with a current list of the Council's assets and shall thereafter follow the order set out below.

**16. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

17. The Council shall review the pay and conditions of service of its existing employees when the estimates for the following year are reviewed for the January meeting of each year.

18. After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- a) To read and consider the minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
  - b) After consideration, to approve the signature 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 from Councillors.
  - g) To receive and consider reports and minutes from committees.
  - h) To receive and consider reports from officers of the Council.
  - i) To authorise the sealing of documents.
  - j) To authorise the signing of orders for payment.
  - k) To consider resolutions or recommendations in the order in which they have been notified.
  - l) Any other business specified in the summons.

19. A motion to vary the order of business on the grounds of urgency
- a) may be proposed by the Chairman or any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - b) shall be put to the vote without discussion.

#### **RESOLUTIONS MOVED ON NOTICE**

20. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the

mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

21. The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
22. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving the notice of motion has stated in writing that he intends to move at some later meeting or that he/she withdraws it.

### **RESOLUTIONS MOVED WITHOUT NOTICE**

23. Resolutions dealing with the following matters may be moved without notice:
  - a) To appoint a Chairman of the meeting.
  - b) To correct the minutes.
  - c) To approve the minutes.
  - d) To alter the order of business.
  - e) To proceed to the next business.
  - f) To close or adjourn the debate.
  - g) To refer a matter to a committee.
  - h) To appoint a committee or any member thereof.
  - i) To adopt a report.
  - j) To authorise the sealing of documents
  - k) To amend a motion.
  - l) To give leave to withdraw a resolution or an amendment
  - m) To exclude the public (See Standing Order No. 53).
  - n) To silence or eject from the meeting a member named for misconduct.
  - o) To invite a member having an interest in the subject matter under debate to remain.
  - p) To give the consent of the Council where such consent is required by these Standing Orders.
  - q) To suspend any Standing Order (see Standing Order No.60).
  - r) To adjourn the meeting.

### **QUESTIONS**

24. A member may ask the Chairman or the Clerk any questions 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.
25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer.

### **RULES OF DEBATE**

28. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded.
  - b) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
  - c) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - d) When a resolution is under debate no other resolution shall be moved except the following:-
    - 1) To amend the resolution.
    - 2) To proceed to the next business.
    - 3) To adjourn the debate.
    - 4) That the question be now put.
    - 5) That a member named be not further heard.
    - 6) That a member named do leave the meeting.
    - 7) That the resolution be referred to a committee.
    - 8) To exclude the public and press.
    - 9) To adjourn the meeting.
29. Members shall address the Chairman.

### **DISORDERLY CONDUCT**

- 30.
- a) No member at a meeting shall persistently disregard the ruling of the Chairman wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
  - b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this order the Chairman shall express that opinion to the Council and thereafter any member may move 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, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

### **VOTING ON APPOINTMENTS**

31. Where more than two persons have been nominated for any position to be filled by the Council and 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.

## **EXPENDITURE**

- 32. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.** See also section 40 a).

## **COMMITTEES AND WORKING GROUPS**

33. The Council may, at its Annual Meeting appoint standing committees and working groups and may at any other time appoint such other committees and working groups as are necessary, but subject to any statutory provision in that behalf:-
- a) shall not appoint any member of a committee or working group so as to hold office later than the next Annual Meeting.
  - b) may appoint persons other than members of the Council to any committee or working group.
  - c) may at any time dissolve or alter the membership of a committee or working group.
  - d) Terms of reference for the work of the committee or working group will be set out.
  - e) A working group shall report back information or proposals to the council or a proper officer for a decision to be made by them. The reasoning behind any proposal shall be made clear in the report.
  - f) In the latter case the proper officer shall have been previously authorised by resolution at council to make specified decisions. The decision of the proper officer shall be noted at the next meeting of the council.
  - g) It is good practice for notes to be taken of working group meetings.
34. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman who shall hold office until the next Annual Meeting of the Council. The chairman of a working group will be elected by the council.
35. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the committee. The summonses shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
36. Except where ordered by the Council in the case of a committee, the quorum of a committee shall be one half of its members. A working group will not vote on any issue on behalf of the council. It exists to bring information and proposal(s) forward, not to make decisions on them.

## **VOTING IN COMMITTEES**

37. Members of committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
38. Chairmen of committees shall in the case of an equality of votes, have a second or casting vote.

**PRESENCE OF NON-MEMBERS OF COMMITTEES  
AT COMMITTEE MEETINGS**

39. A member who has proposed a resolution to any committee of which he/she is not a member, may explain his/her resolution to the committee but shall not vote.

**ACCOUNTS AND FINANCIAL STATEMENTS**

- 40.
- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's *financial regulations*, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the *each quarter* and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A *Financial Statement* prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The *Statement of Accounts* of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

**FINANCIAL MATTERS**

- 41.
- a) The Council shall consider and approve *financial regulations* drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the accounting records and *systems of internal control*;
  - ii. the assessment and management of *financial risks* faced by the council;
  - iii. the work of the *Internal Auditor* and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the *inspection* and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. *procurement policies* (subject to standing order 30(b) below) including the setting of values for different procedures.
- b) not used
- c) not used
- d) not used
- e) Where the value of a contract is likely to exceed £173,934 for supplies and services and £4,348,350 for works (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if



either of those Regulations apply, the Council must comply with EU procurement rules.

### **ESTIMATES**

42 The Council shall approve written estimates for the coming year at a meeting not later than January.

### **INTERESTS AND DISPENSATIONS**

**43. a) If any member has an interest as defined by the Code of Conduct as adopted and amended from time to time by the council then he or she shall declare such an interest as soon as it becomes apparent when required by the code.**

**b) If a member or his spouse/partner has a disclosable pecuniary interest, or is aware of a disclosable pecuniary interest in respect of a member of his family or a friend or close associate, he must declare that interest.**

**c) If a member has an other disclosable interest, he must declare that interest if he speaks on the matter or if the interest is not already on the register of interests or if the council have not notified the Monitoring Officer of it.**

**44. a) Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.**

**b) Unless he has been granted a dispensation, if a member who has another disclosable interest, or is aware of a disclosable pecuniary interest in respect of a member of his family or a friend or close associate then he may only speak on the matter if members of the public are allowed to speak at the meeting and must not vote.**

**45. The clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

**46. 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/she or the person to whom they may be 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 shall be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply. The Clerk shall make known the purpose of the above Standing Order to every candidate.**

**47.** a) Dispensation requests shall be in writing on the standard form and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

b) A decision as to whether to grant a dispensation shall be made by a meeting of the council and that decision is final.

c) A dispensation request confirm:

i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

ii) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

iii) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

iv) an explanation as to why the dispensation is sought.

d) Subject to standing order (a) and (c) above, dispensations requests shall be considered at the beginning of the meeting of the council for which the dispensation is required.

e) A dispensation may be granted in accordance with standing order (b) above if having regard to all relevant circumstances the following applies:

i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

ii) granting the dispensation is in the interests of persons living in the council's area or

iii) it is otherwise appropriate to grant a dispensation.

#### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

**48.**

a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the content of this sub-paragraph of this Standing Order to every candidate.

b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion: but nevertheless, any such member may give a written testimonial of a candidates ability, experience or character for submission to the Council with an application for appointment.

**49.** Standing Orders No. 46 and 48 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### **INSPECTION OF DOCUMENTS**

- 50.** A member may for the purpose of his/her 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 likewise purpose with a copy.
- 51. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

### **UNAUTHORISED ACTIVITIES**

- 52.** No member of the Council or of any committee shall in the name of or on behalf of the Council
- a) Inspect any lands or premises which the Council has a right or duty to inspect or:-
  - b) Issue orders, instructions, or directions, unless authorised to do so by the Council or the relevant committee or sub-committee. This applies to both sections (a) and (b).

### **ADMITTANCE OF THE PUBLIC AND PRESS TO MEETINGS**

- 53. a) The public shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolutions:**

“That in view of the special or confidential nature of the business about to be transacted, it is considered to be in the wider public interest that all but the Parish councillors present be temporarily excluded and they are therefore requested to withdraw”

Notes: The special reasons should be stated. If a persons advice or assistance is needed they may be invited to remain after the resolution is passed.

- b) The Council may resolve that any member of the public may speak at any meeting of the Council, subject to such conditions that the Council shall reasonably impose

- 54. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
- 55.** If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed.

### **CONFIDENTIAL BUSINESS**

- 56.**
- a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council, any business declared to be confidential by the Council, or any committee as the case may be.
  - b) Any member in breach of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

## **PLANNING APPLICATIONS**

- 57.** a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose, the following particulars:
- 1) The date on which it was received.
  - 2) The name of the applicant.
  - 3) The place to which it relates.
  - 4) A summary of the nature of the application.
  - 5) The consultation closure date
- b) The Clerk shall give notice of every planning application to the Chairman (or in the Chairman's absence the Vice-Chairman within 48 hours of its receipt) or to a Planning committee or working party (if any). The date of this transmission shall be recorded in the book detailed in para.(a).
- c) If a planning application deadline is outside the date of the next meeting the clerk shall call a committee or extraordinary meeting to decide a response, or respond as defined in paragraph (d).
- d) If the council prescribes, by resolution, types of planning applications where this paragraph applies, then the clerk is empowered to respond, having regard to the report of the Planning Working Group, without holding a meeting listed in paragraph (c).

## **STANDING ORDER ON CONTRACTS**

- 58.** Refer to section 41a) v) procurement policies.

## **CODE OF CONDUCT ON COMPLAINTS**

- 59.** The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in the current Antrobus Parish Council Complaints Policy.
- a)** Upon notification by the Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 53 and 56 above, report this to the council.
- b)** Where the notification in standing order (a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order (d) below.
- c)** The council may:
- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

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

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

- 60.** Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- 61.** 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.
- 62.** A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.

### **CODE OF CONDUCT**

- 63.** All councillors, upon acceptance of the office of member, agree to observe the code of conduct, as adopted and amended from time to time by the council, as to the conduct which is expected of members of the council.

**The matters printed in bold type have been laid down in Acts of Parliament and are therefore compulsory.**

**Adopted by Antrobus Parish Council**

**To be reviewed: Oct 2018**

#### **Amendments**

**Mar 2017** Updates as Jan 2017 ChALC e-bulletin Parish Briefing on code of conduct, dispensations, complaints and standing orders.

#43 a) July 2012 code not out of date. Text updated to reference the current code of conduct, similar to section 63 wording. Title changed to INTERESTS and DISPENSATIONS.

#47 Original text "The Clerk shall make known..." moved to end of #46.

#47 a) to e) added. Text about dispensations taken from Local Councils Explained model standing orders

#59 added sections a) to d) about handling complaints from model standing orders.

**Oct 2016** Index updated to 33 'Committees and Working Groups'. #1 The last sentence added. #2 '(as defined by statute)' added. The last sentence added. #33 'and working groups added' after the word 'committee'. Sections d) e) and f) added. #33 The last sentence added. #36 The last sentence added.

**May 2016** #57 b) amended and c) and d) added to cater for CW&C implementing a strict 21 days planning consultation period. A separate document “Types of Planning applications where standing order paragraph 57 d) applies” approved.

**Apr 2016** Re-Approved with no changes by new council of May 2015 elections,

**Apr 2014.** Introduction of financial regulations document

Some items written in italics for emphasis.

Table of contents added.

#4 Unbolden section which is not statutory

#40 Accounts and Financial statement – sections can be found in financial regulations sections 5.2, 5.5, 6.4. Whole section replaced by words from NALC model standing orders referring to financial regulations.

# 42 Estimates. Shortened. Sections can be found in financial regulations section 2.

#32 Estimates. Reference to section 40 a) added.

#41 Accounting and audit: renamed Financial Matters. Sections can be found in financial regulations section 4. Whole section replaced by words from NALC model standing orders. Refers to financial regulations. Some sections marked not used as procurement procedures are detailed in financial regulations 11 and 10.

#57 add 57 a) 5)

#58 Standing orders on contracts – replace with reference to 41a) v procurement.

**Dec 2012.** Code of conduct. Section 63. Add agreement to observe code of conduct. This replaces the signed undertaking to observe code of conduct removed from the declaration of acceptance of office by Statutory instrument 2012 No 1465 The Local Elections (Declaration of Acceptance of Office) Order 2012 in July 2012.

**July 2012.** Interests. Sections 43-45 amended to correspond with Cheshire West code of conduct and declaration of members interests.