

WARBOYS

PARISH COUNCIL

STANDING ORDERS

AUGUST 2014

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STANDING ORDERS

1. Meetings
 - (a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
 - (b) Smoking shall not be permitted at any meeting of the Council.

2. Annual Parish Council Meeting

- (a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office.**
- (b) **In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

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

4. Chairman of the Meeting

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

5. Proper Officer

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

- (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 byelaws made by another local authority.
- (f) To certify copies of byelaws made by the Council.
- (g) To sign and issue the summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings.

6. Quorum of the Council

Three members or one third of the total membership of the Council, whichever is the greater, shall constitute a quorum at meetings of the Council.

7. If a quorum is not present or if during a meeting the number of Councillors present (not counting those debarred by reason of the declaration of a prejudicial interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such day as the Chairman may fix.
8. For a quorum relating to a committee or sub-committee, standing order 50 refers.
9. Voting

Members shall vote by show of hands or, if at least two Members so request before the vote is taken, by secret ballot.
- 10. If at least three Members so request before a vote is taken, 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 or abstained.**
- 11. If a Member so requests, the Clerk shall record whether the Member voted for or against a question or abstained from voting. Such a request must be made before moving on to the next business.**
- 12(a) Subject to sub paragraphs (b) and (c) below, the Chairman may give a first vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave a first vote.**
- (b) If a person presiding at the Annual Parish Council Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office, he may not give a first vote in an election for Chairman.**
- (c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

13. Order of Business

At each Annual Parish Council Meeting, the first business shall be:-

- (a) To elect a Chairman of the Council.**
- (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 an ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- (d) To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.**
- (e) To appoint a Vice Chairman of the Council.**

- (f) To appoint Committees.
- (g) To appoint representatives to outside bodies

and shall thereafter follow the order set out in Standing Order 16.

14. At every meeting other than the Annual Parish Council Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

15. In every year, not later than the meeting at which the estimates for the following year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 40 must be read in conjunction with this requirement.

16. 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) After consideration, to approve the signature of the Minutes by the person presiding as a correct record.**
- (b) To deal with business expressly required by statute to be done.**
- (c) To consider any matters arising from the Minutes of the last meeting, unless they appear elsewhere on the agenda.
- (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 receive and consider reports and minutes of committees.
- (g) To receive and consider items of business in the order in which they appear on the agenda.
- (h) If necessary, to authorise the signing of orders for payment.
- (i) To receive a budgetary control statement on the Council's income and expenditure.

17. Urgent Business

A motion to vary the order of business on the ground of urgency –

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

18. At the discretion of the Chairman, an item of business may be raised as a matter of urgency where notice of the item has not been given on the agenda. The reason for the urgency shall be recorded in the Minutes of the meeting.

19. Motions Moved on Notice

Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been placed 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 6 clear working days before the next meeting of the Council.

20. The Clerk shall have discretion to refuse to place an item on the agenda if, in his opinion, it could be construed as malicious, libellous or prejudicial to the interests of the Council.

21. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given (subject to Standing Order 20) 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 it at some later meeting or if he withdraws it.

22. If a motion or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

23. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

24. Every motion or recommendation shall be relevant to the whole or any part of the area of the Parish or all or some of its inhabitants.

25. Motions Moved Without Notice

Motions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a committee.

- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a motion or amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the press and public. (See Standing Order 69 below.)
- (o) To silence or eject from the meeting a member named for misconduct. (See Standing Order 35 below.)
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order. (See Standing Order 79 below.)
- (r) To adjourn the meeting.

26. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 6 clear working days' notice of the question has been given to the person to whom it is addressed.

27. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

28. Every question shall be put and answered without discussion.

29. A person to whom a question has been put may decline to answer.

30. Rules of Debate

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.

31(a) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

(b) A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

(c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

- (d) No speech by a mover of a motion shall exceed 5 minutes and no other speech shall exceed 3 minutes except by the consent of the Council.
- (e) An amendment shall be either:-
 - (j) To leave out words.
 - (ii) To leave out words and insert 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 motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a motion or of an amendment shall have a right of reply, not exceeding 2 minutes.
- (j) A member, other than the mover of a motion, shall not, without the leave of the Council, speak more than once on any motion except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (l) 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.
- (m) When a motion is under debate no other motion shall be moved except the following:-
 - (i) To amend the motion.
 - (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 motion be referred to a committee.

- (viii) To exclude the press and public.
 - (ix) To adjourn the meeting.
32. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 33(a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- (c) Whenever the Chairman speaks during a debate all other members shall be silent.
34. Closure

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

35. Disorderly Conduct
- (a) **All members must observe the Code of Conduct which was adopted by the Council with effect from 11th June 2007, a copy of which is appended to these Standing Orders.**
 - (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such manner as to bring the Council into disrepute.**
 - (c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
 - (d) If the motion mentioned in sub paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

36. Right of Reply

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

37. Alteration of Motion

A member may, with the consent of his seconder, move amendments to his own motion.

38. Rescission of Previous Resolution

(a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least 3 members of the Council, or by a resolution moved in pursuance of the report and recommendations of a committee.

(b) When a special motion or any other motion moved under the provisions of sub paragraph (a) of this Order has been disposed of, no similar motion may be moved within a further six months.

39. Voting on Appointments

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.

40. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 69)

41. Resolutions on Expenditure

Any motion (which is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee or of another committee after recommendation by the Finance and General Purposes Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

42. Expenditure

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

43. Sealing of Documents

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council.
- (b) Any two members of the Council named in the resolution moved under the provisions of sub paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

44. Committees and Sub Committees

The Council may at its Annual Parish Council Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- (a) Shall not appoint any member of a committee so as to hold office later than the next Annual Parish Council Meeting.
- (b) May appoint persons other than members of the Council to any committee; and
- (c) May, subject to the provisions of Standing Order 38 above, at any time dissolve or alter the membership of a committee.

45. The Chairman and Vice Chairman shall be ex officio voting members of any committee.

46. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may appoint a Vice Chairman who shall hold office until the next Annual Parish Council Meeting and shall settle its programme of meetings for the year.

47. Special Meeting

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 members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be considered at that meeting.

48. Sub Committees

Every committee may appoint sub committees for purposes to be specified by the committee.

49. The Chairman and Vice Chairman of the committee shall be members of every sub committee appointed by it unless they signify that they do not wish to serve.

50. Except where ordered by the Council in the case of a committee, or by the Council or the appropriate committee in the case of a sub committee, the quorum of a committee or sub committee shall be one third of its members or 3 members whichever is the greater.
51. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub committee meetings.
52. Advisory Committees
- (a) The Council may create advisory committees, whose name, and the number of members and the bodies to be invited to nominate members shall be specified.
 - (b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
 - (c) An advisory committee may make recommendations and give notice thereof to the Council.
 - (d) An advisory committee may consist wholly of persons who are not members of the Council.
53. Voting in Committees
- Members of committees and sub committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by secret ballot.
54. **A Chairman of a committee or a sub committee shall in the case of an equality of votes have a second or casting vote.**
55. Presence of Non-Members of Committees at Committee Meetings
- A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote thereon.
56. Accounts and Financial Statement
- (a) Except as provided in sub paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the Clerk if different. Such payment shall be authorised by the proper officer for payment with the approval of any two of the Chairman or Vice Chairman of the Council or the Chairman or Vice Chairman of the Finance and General Purposes Committee.

- (c) All payments ratified under sub paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

57. The Responsible Financial Officer shall supply to each member as soon as practicable after 31st March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31st March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to the Council for formal approval before the end of the following month of September.

58. Estimates/Precepts

- (a) The Council shall approve written estimates for the coming financial year at a meeting before the end of December.
- (b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31st October for consideration by the Finance and General Purposes Committee by 30th November.

59. Interests

If a member has a Non-Statutory Disclosable Interest as defined in the Code of Conduct adopted by the Council on 9th June 2014 he shall declare such interest at a meeting as soon as it becomes apparent and, if the interest has not already been registered, shall disclose the existence and nature of the interest.

60. If a member has declared a Non-Statutory Disclosable Interest at a meeting in accordance with Standing Order 59, he must leave the room while the matter the subject of the interest is being discussed and voted upon and shall take no part in such discussion and voting, unless a dispensation has been granted in accordance with Standing Order 61.

61. (a). The Council may, on a written request made to the Clerk by a member prior to the commencement of a meeting to which the Non-Statutory Disclosable Interest relates, grant a dispensation relieving the member from the restriction stipulated in Standing Order 60 from either or both of –

participating or participating further in any discussion of the matter at the meeting; or
participating in any vote or further vote taken on the matter at the meeting.

(b). The Council may grant a dispensation under this Standing Order only if, having had regard to all the relevant circumstances, the Council –

(i) considers that without the dispensation the number of persons prohibited by Standing Order 60 from participating in any particular business would be so great a proportion of the Council as to impede the transaction of the business,

- (ii) considers that granting the dispensation is in the interests of persons living in the Parish, or
 - (iii) considers that it is otherwise appropriate to grant a dispensation.
 - (c). A dispensation under this Standing Order shall specify the period for which it has effect, and the period specified may not exceed four years.
 - (d). This Standing Order shall not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this Standing Order.
- 61A. Where a member has declared a Disclosable Pecuniary Interest or Non-Statutory Disclosable Interest and where an application for a dispensation has been considered by the Council, this shall be recorded in the minutes of the meeting.
62. Appointments by the Council
- If a candidate for any appointment under the Council is to his knowledge related to any member of the holder of any office under the Council, he shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed this Standing Order shall apply.
63. The Clerk shall make known the purpose of this Standing Order to every candidate.
64. Canvassing of and Recommendations by Members
- (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 purpose 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 candidate's ability, experience or character for submission to the Council with an application for appointment.
65. Standing Order Nos. 62 and 64 shall apply to tenders as if the person making the tender were a candidate for an appointment.
66. Inspection of Documents
- A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

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

68. Unauthorised Activities

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

(a) Inspect any land 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.

69. Admission of the Press and Public to Meetings

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

‘That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded from the room and they are instructed to withdraw.’

70. The Council, committee or sub committee shall state the special reason for exclusion.

71.

(a) Members of the public may speak when a planning application is under consideration by the Council in accordance with the scheme approved by the Council to this effect.

(b) With the exception of the circumstances referred to in sub-paragraph (a) ante, at all meetings of the Council, the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

72. The filming, photographing and recording of Council meetings is permitted but any person doing so should not disrupt the proceedings by the use of flash photograph, walking around the room while the meeting is taking place or asking any Member or officer of the Council to repeat a statement. Oral reporting or an oral commentary while the meeting is taking place is not permitted.

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

74. Confidential Business

(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, the committee or the sub committee as the case may be.

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

75. Liaison with County and District Councillors

A summons and agenda for each meeting of the Council and committee shall be sent, together with an invitation to attend to the County and District Councillors for the appropriate division and ward.

76. If the Council so orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillors for the ward as the case may require.

77. Planning Applications

The Clerk shall, as soon as it is received, enter into a suitable database kept for the purpose, the following particulars of every planning application notified to the Council:-

- (a) The date on which it is received.
- (b) The name of the applicant.
- (c) The place to which it relates.
- (d) The nature of the application.
- (e) The Clerk shall notify the receipt of every planning application to the Chairman of the Planning Committee (or in the Chairman's absence the Vice Chairman) no later than 5 clear working days before the date of the meeting of the Planning Committee at which the application is to be considered.

78. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member as adopted by the Council except for those complaints which should properly be directed to the Standards Board.

79. Variation, Revocation and Suspension of Standing Orders

Any or every part of these Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business without any member voting against or abstaining from voting on the suspension.

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

81. Standing Orders to be Given to Members

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