

# **Fawley Parish Council**



## **Part 1**

### **Standing Orders**

**Adopted 09 September 2020**

**Standing Orders Amendment Record**

<b>Amendment Number</b>	<b>Standing Order</b>	<b>Date of approval</b>
1		
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**NOTES:**

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs.

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**NALC**  
**MODEL STANDING**  
**ORDERS JULY 2018**  
**(ENGLAND)**

## **a RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any Councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 3. MEETINGS GENERALLY

- a **Council meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **For Council meetings the minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **For Committees meetings the minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d **Council and Committee meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a

meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak.
- j A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a Council or Committee meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a Council or Committee meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a Council or Committee meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council.**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the**

meeting shall preside at the meeting.

q **Subject to a Council, Committee or Sub Committee meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**

r **The chairman of a Council, Committee or Sub Committee meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

s **Unless standing orders provide otherwise, voting on a question at a Council meeting shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of Councillors present and absent;
- iii. interests that have been declared by Councillors and non-Councillors with voting rights;
- iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.

u **A councillor or a non-councillor at a Council, Committee or Sub Committee meeting with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than five.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- x Meetings of the Council and its Committees and Sub-Committees shall be mandatorily adjourned after two and a half hours unless the Members present and able to vote agree to a one half an hour extension until 10pm.
- y All Councillors to be permitted to attend and to vote on planning whether they are a member of the Committee dealing with the matter or not.

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7pm.** If the agenda includes planning applications then 15 minutes before the commencement of Council meetings the public are provided the opportunity to view planning applications relevant to that meeting electronically with the clerk (or their representative). This is to assist in the effective/timely running of the meeting where planning is discussed
- d **In addition to the annual meeting of the Council, at least three other**

**ordinary meetings shall be held in each year on such dates and times as the Council decides.**

- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;

- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, and not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 12, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by**

**two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**

- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not call an extraordinary meeting within 3 days of having been requested to do so by 2 members of the committee or the sub-committee, any 2 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

## **7. ANNUAL PARISH MEETING**

The requirements for the Annual Parish Meeting are dictated by the LGA 1972 sch 12 para 14 (1) and (3)

- a The Annual Parish Meeting will be held in April in any year.
- b Proceedings shall not begin before 7pm.
- c The Chairman of the Parish Council shall preside, or in their absence the Vice-Chairman.
- d In the absence of the Chairman and the Vice-Chairman of the Council the meeting shall appoint a Chairman before proceeding to any other business.
- e The Clerk shall record the proceedings and in their absence the person presiding may record the proceedings or may appoint another to do so.
- f Following compliance with paragraphs c – e as appropriate, the Minutes of the previous meeting shall be considered and, if correct, signed by the person presiding at the meeting.
- g Subsequent business of the Annual Meeting shall be as follows:
  - i) To receive the Annual Report of the Parish Council
  - ii) Presentation of the Chairman's Cup
  - iii) Any matters raised by the Parishioners of the Parish
- h The only business to be discussed at Parish Meetings shall be resolutions of which notice been given in the Notice of the Meeting.

## **8. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 Councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

## **9. VOTING ON APPOINTMENTS**

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

## **10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least five clear days before the meeting. Clear days do not include the day of the notice or the appropriate Committee.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case

may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;
  - xiii. to exclude a Councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or

xvii. to close the meeting.

## **12. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **13. DRAFT MINUTES**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the

minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e Subject to the publication of draft minutes in accordance with standing order 21(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

#### **14. CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 3(u).*

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b 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.
- c 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 pecuniary interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing 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.
- e A decision as to whether to grant a dispensation shall be made by the a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall 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.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- 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;**
  - 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.**

## **15. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by New Forest District 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 12, report this to the Council.
- b Where the notification in standing order 14(a) 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 15(d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by New Forest District 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.**

## **16. PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the Council, a committee or a sub-committee,**
    - **serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full Council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 10, include on the agenda all motions in the order received unless a Councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **if received retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;

- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(*see also standing order 24*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. A planning application received by the Council that requires consideration between council meetings when an extension to the consultation date is not agreed by the planning authority, shall be dealt with by delegated authority granted to the Clerk and Deputy Clerk (under Section 101 of the Local Government Act 1972). The Clerk/Deputy Clerk can respond, after consultation with Councillors, to such planning applications.
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council which shall not be used without a resolution to that effect.  
(*see also standing order 24*).

## **17. RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. If the absence is for a prolonged period the Deputy Clerk will be remunerated accordingly.

## **18. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return (AGAR), as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **19. FINANCIAL CONTROLS AND PROCUREMENT**

- 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 keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices 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; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
  - c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
  - d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
    - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
    - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
    - iii. the invitation to tender shall be advertised on the Council's website and on the Government Contract Finder website in any other manner that is appropriate;
    - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
    - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
    - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
  - e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **20. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council OR the Policy, Resources & Personnel Committee is subject to standing order 11.
- b The chairman of the Council or in their absence, the vice-chairman and two other Cllrs shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk.
- c Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Policy, Resources & Personnel Committee or in their absence, the vice-chairman of the Policy, Resources & Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Policy, Resources & Personnel Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Policy, Resources & Personnel Committee this shall be communicated to another member of the Policy, Resources & Personnel Committee which shall be reported back and progressed by resolution of the Policy, Resources & Personnel Committee.
- e Any persons responsible for all or part of the management of staff shall treat as

confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- f In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records referred to in standing order 20(e).

## **21. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 12.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 12.*

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **23. RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **24. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing orders 15(b)(xii) and (xvii).*

- a **Subject to standing order 24(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **25. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the New Forest District Council and Hampshire County Council representing the area of the Council. Councillors can also elect to receive summonses electronically, where they consent to it being transmitted by their method they may at any time withdraw their consent.
- b Unless the Council determines otherwise, a copy of each letter sent to the New Forest District Council and Hampshire County Council shall be sent to the ward Councillor(s) representing the area of the Council.

## **26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised by a resolution, no Councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **27. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 Councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## **28. THE OBJECTIVES OF THE COUNCIL**

The functions of the Council are listed in the Strategic Plan under 3 key Objectives

1. The Economy
2. The Environment
3. The Community

## **29. CONSTITUTION**

- (a) The Council shall consist of:
  - (i) 15 Members elected by the electors of the Parish of Fawley or such other number as may be specified by the District Council which shall not be less than five.
  - (ii) Such co-opted Members as the Council may determine.
- (b) For the purposes of the election referred to in (a) (i) above the area of the Council shall be divided into five wards each electing Members as specified below:
- (c) All Councillors shall retire together in every ordinary year of election of such Councillors on the sixth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire.

## **30. CASUAL VACANCIES**

- (a) In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice in one or more local publications.

- (b) A by-election will be held if, within fourteen days, a poll is claimed by ten electors.
- (c) If a poll is not claimed the vacancy may be filled by co-option within sixty days of the date of the public notice and the Council will be convened to fill the vacancy.
- (d) The person co-opted will complete the Declaration of Acceptance of Office and serve for the remainder of the term of the Councillor replaced.

### **31. DISQUALIFICATION OF A PARISH COUNCILLOR**

Under LGA 1972 s85 (1) (2) and s (92).

- (a) If a Member fails throughout a period of six consecutive months from the date of their last appearance to attend any meeting of the Council, they will cease to be a Member of the Council, unless the failure is due to some reason approved by the Council before the expiry of the six months period.
- (b) The Clerk shall report the non-attendance of any Councillors at the fifth month after the Members last attendance with any known reason for absence.
- (c) Attendance at a meeting of the Council or at a joint Committee of the Council and another local authority is deemed to be attendance at a meeting of the Council.

### **32. TERMS OF REFERENCE FOR COMMITTEES**

- (a) The Council shall at the Annual Meeting appoint the following Standing Committees:
  - (i) Estates & Facilities
  - (ii) Policy, Resources & Personnel  
and may at any time appoint such other Committees as may be considered necessary for specific purposes and duration but subject to any statutory provision in that behalf.
  - (iii) Each Committee may appoint any Sub-Committee as it thinks fit and each Sub-Committee shall report back to its parent committee. The minutes of Sub-Committees shall be attached to the minutes of the committee to which they are presented and shall then be approved at the next meeting of the Council in the usual way.
  - (iv) In addition to the Standing Committees there shall be three ad hoc sub-committees of the Policy, Resources and Personnel Committee to deal with staff discipline and complaints; mainly a Disciplinary Sub-

Committee, an Appeals Sub-Committee and a Grievance Sub-Committee. Each Sub-Committee shall meet only to deal with disciplinary and grievance matters as they arise and shall consist of five members of the Council (of which any three shall constitute a quorum) selected on each occasion by the Chairman of Policy, Resources and Personnel Committee from all members of the Council calling, as far as possible, on each member in turn to undertake their duty. Provided that no member may sit on more than one ad hoc committee dealing with the same matter and provided also that standing order number 4 (right of members to attend all meetings) shall not apply to meetings of these sub-committees the proceedings of which shall always be treated as confidential.

- (v) Shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting and
- (b) The Chairman and Vice-Chairman of the Council shall be Members of every Committee.
- (c) Membership of the Policy and Resources Committee shall consist of the Chairman and Vice-Chairman of the Council, Chairman of any other Standing Committees plus four Members.
- (d) The quorum of any Committee will be one third of the membership or three whichever is the greater.
- (e) The Council may appoint the Chairman and Vice-Chairman of the Standing Committees at the Annual Meeting. In the event that the Council fails to exercise their option in whole or in part the Committees shall, at their Annual Meeting, elect a Chairman and/or Vice-Chairman as necessary and a Member to act as Committee Clerk in the absence of the Clerk or Deputy Clerk.
- (f) The functions of each Standing Committee shall be to consider, advise and recommend policy and administer matters referred to it by the Council.  
  
In addition each Committee will also deal with such other matters as may be referred to it by the Council.
- (g) The Chairman of a Committee or the Chairman of the Council may summon a Special Meeting of that Committee at any time. A Special Meeting may also be summoned at the request, 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 transacted at that meeting.
- (h) The Standing Orders on Rules of Debate and the Standing Orders on interests of Members in contracts and other matters shall apply to the Committees in so far as they are appropriate.
- (i) Members of Committees shall vote by a show of hands.
- (j) Chairman of Committees shall have a second and casting vote.

- (k) (i) A Member who has proposed a motion which has been referred to any Committee of which they are not a member, may explain their motion to the Committee but shall not vote.
- (ii) Any Council Member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any Committee of which they are not a member.
- (l) Committees of the Council will meet as follows:

On a Wednesday at 7.00pm as determined by Council unless agreed otherwise. If the agenda includes planning applications then 15 minutes before the commencement of Council meetings the public are provided the opportunity to view planning applications relevant to that meeting electronically with the Clerk (or their representative). This is to assist in the effective/timely running of the meeting where planning is discussed.

Any other Committee appointed by the Council shall meet as specified by the Council or if not specified, as determined by the Committee.

### **33. COMMITTEE FUNCTIONS**

Each Committee has the delegated authority (other than those that cannot be delegated in Financial Regulations 1.13 -1.14) for the following areas of Council business:

#### **Estates & Facilities Committee**

Operation, Marketing, Promotion, Cleaning and Maintenance of facilities of;

Gang Warily Recreation and Community Centre Leisure Facility  
Jubilee Hall and Squash Court  
QEII Community Building  
Playing Fields  
Newlands Park  
Land of the old Golf Course  
Council Properties and Maintenance  
Play Areas  
Amenity Areas  
Manor Park & Warren Copse, Holbury  
Allotments  
Bus shelters and seats  
Car Parks  
Footpaths  
Footway Lighting  
Litter bins  
Ashlett Creek Maintenance and Moorings  
Outside Maintenance Contracts  
Planning

Membership of the Committee to consist of the Chairman and Vice-Chairman of the Council plus 5 other Councillors (total 7)

### **Policy, Resources and Personnel Committee**

- Policy
- Administration
- Precept
- Wayleave Licenses
- Standards
- Policies
- Tenders
- Budget
- Investments
- Control of Fixed Assets
- Insurance of Council Assets
- Use of Council Land
- Purchases
- Sales
- Leases
- Future Planning
- Civil Emergency Planning
- Planning
- Personnel Issues
- Recruitment
- Training
- Health & Safety
- Manpower Planning
- Remuneration
- Conditions of Employment

Membership of the Committee to consist of the Chairman and Vice-Chairman of the Council, the Chairman of the Estates & Facilities Committee plus 4 other Councillors (total 7)

## **34. PETITIONS**

- (a) Any member of the Council and any member of the public may present a relevant petition at a meeting of the Council or a Committee. All such petitions must be signed by at least ten residents of the Parish. A petition presented at a Council meeting shall stand referred to the Committee within whose terms of reference it falls, unless, in the opinion of the Chairman, it is urgent, in which case it shall be considered by the Council.
- (b) Any person desiring to present a petition at a meeting of the Council or of a committee shall give the Clerk ten clear days' notice thereof in writing and such notice shall include a written statement of the nature and objects of the petition which must relate to matters within the powers of the Parish Council.

- (c) A member of the public presenting a petition may speak or comment thereon for no more than three minutes. No more than two persons may present the petition and any speeches or comments by them may not exceed three minutes.
- (d) No more than two petitions may be presented at one meeting. If more than two petitions are submitted, they will be dealt with in the order received and the Clerk will notify those presenting the petitions accordingly.