

STANDING ORDERS FAWLEY PARISH COUNCIL

ADOPTED JULY 2023

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INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer.

1. 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 chair 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- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their 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 chair 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 chair of the meeting.
- k One or more amendments may be discussed together if the chair 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 chair 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 they 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 they consider has been breached or

specify the other irregularity in the proceedings of the meeting they are concerned by.

- q A point of order shall be decided by the chair of the meeting and their 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 chair 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 their 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 chair 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 chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair 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 chair 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

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **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 **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 **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 unless the meeting is convened at shorter notice OR**
- d **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 chair 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 chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his/her/their hand when requesting to speak except when a person has a disability or is likely to suffer discomfort
- j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a 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 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 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 Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (~~if there is one~~).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council if present, shall preside. If both the Chair and the Vice-Chair 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 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 chair of a 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 they gave an original vote.**

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

- s **Unless standing orders provide otherwise, voting on a question 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 their 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 who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- u **A councillor or a non-councillor 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 their 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 A meeting shall not exceed a period of two and half hours unless a maximum half hour extension is agreed. All meetings will be concluded by 10.00pm

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 chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chair 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 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**
- 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 Chair and Vice-Chair of the Council.**
- f **The Chair of the Council, unless they 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-Chair of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:**

 - i. In an election year, delivery by the Chair 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 Chair 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, 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 11, 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 Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair 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 chair 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 chair 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 or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. 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 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. 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 chair of the meeting.

9. 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 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(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 9(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 chair 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.

10. 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.

11. 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.**

12. DRAFT MINUTES

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- 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 chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair 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 their 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 20(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.

13. 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 they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have 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 they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they 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 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 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.**

14. 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 11, 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 Chair of Council of this fact, and the Chair 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 14(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.**

15. 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 9, 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 his/her/their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and 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 23);
- 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. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chair or in their absence Vice-Chair of the Planning Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee. As an alternative the response can be given by the Clerk under delegated power (Section 101 LGA 1972) following consultation with councillors;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect.
(see also standing order 23).

16. 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.

17. 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 income and expenditure for each quarter;
 - ii. the Council’s aggregate income and expenditure for the year to date;
 - iii. the balances held at the end of the quarter being reported and which 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 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, 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 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.

18. 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 referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 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 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 or consultant as appropriate;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor, or the consultant, 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. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. 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 and Personnel Committee is subject to standing order 11.
- b The Chair of Council or in their absence, the Vice Chair plus two other councillors shall upon resolution conduct a review of the performance and 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 chair of the Policy, Resources and Personnel committee or in their absence, the vice-chair of the Policy, Resources and Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Policy, Resources and 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 chair or vice-chair of the Policy, Resources and Personnel committee this shall be communicated to another member of the Policy, Resources and Personnel committee which shall be reported back and progressed by resolution of the Policy, Resources and 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 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(g).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- 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.**

The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- 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.**

22. 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.

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

24. 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.
- b Unless the Council determines otherwise, a copy of each letter sent to New Forest District Council and Hampshire County Council shall be sent to the ward councillor(s) representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised 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.

26. 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 chair of a meeting as to the application of standing orders at the meeting shall be final.

APPENDICES

APPENDIX 1

Supporting Governance

Constitution

- a. The Council shall consist of:
 - (a) 15 members elected by the electors of the Parish of Fawley or such other number as may be specified
 - (b) The Council may choose to co-opt members in the case of unfilled vacancies

Casual vacancies

- i. In the event of a vacancy occurring the vacancy will be posted on the noticeboard and the website

- ii. If, within the statutory period a poll is requested, a by-election will be held
- iii. If a poll is not claimed the vacancy may be filled by an appropriate co-option using a process to be determined by the Council, and by majority vote
- iv. The person co-opted will complete the Declaration of Acceptance of Office and the Register of Interest and will serve the the remainder of the term of the office

Disqualification

Under LGA 1972 s85 (1) (2) and s92

- 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 by due to some permitted reason and is approved by the Council before the expiry of the six months period.
- b) The Clerk shall report the non attendance of a councillor 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, working group is deemed to be attendance at a meeting

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/RFO 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/RFO will notify those presenting the petitions accordingly.

APPENDIX 2

Terms of Reference of Committees

General

- (a) The Council shall at the Annual Meeting appoint the following Standing Committees:
 - (i) Estates & Facilities
 - (ii) Policy, Resources & Personnel
 - (iii) Planning
 - (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)
- (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 4 Members.
- (d) The quorum of any Committee will be one third of the membership or three whichever is the greater.
- (e) 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 Assistant 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) 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.

- (l) Committees of the Council will meet as follows:

On a Wednesday at 7.00pm as determined by Council unless agreed otherwise.

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

Planning Committee

1. Objective of Planning Committee

Fawley Parish Council makes comment to the Local Planning Authorities (New Forest District Council and New Forest National Parks Authority) for all planning and tree applications that relate to the Parish area and to Hampshire County Council for all strategic applications eg Minerals and Waste

The Planning Committee is constituted to consider and to respond on behalf of the Council in respect of such applications.

2. Membership and Meetings

Membership is open to 13 councillors and must include the Chair and Vice Chair of Council. Standing Orders 3 and 4 apply in relation to the Committee.

A committee meeting is quorate with a minimum of 3 councillors in attendance

3. Areas of Responsibility

The Planning Committee has the delegated authority from Fawley Parish Council to:

- a) Make representations to the Local Planning Authorities on applications for planning permission or tree works which have been notified to the Council;
- b) Make representations in respect of appeals against the refusal of planning permission;
- c) Identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations;
- d) Monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure;
- e) Deal with any other planning related matter that a meeting of the Full Council considers appropriate to be referred to the Planning Committee;
- f) The Clerk is delegated, in consultation with the Chairman of Planning Committee, to respond to any planning considerations for which the planning authority will not provide an extension for response.

4. Planning Applications

The agenda with itemised planning applications shall be circulated to Planning Committee members within three working days of the Planning Committee Meeting. The applications may be viewed on the Planning Portal at New Forest District Council and New Forest National Park Authority.

5. Meetings

The calendar of meetings shall be confirmed at the Annual Parish Council Meeting.

Additional Planning Committee meetings may be called as and when necessary to ensure that all Planning Applications received can be discussed and replied to within the timescale. Minutes will be received at the Full Council meetings.

6. Responses

The Clerk will communicate to the relevant Local Planning Authority the Committee's response in respect of applications considered. Where an application is subject to an appeal, the Committee is authorised to make written representation or to elect a member of the Committee to attend the hearing. When felt essential, a member of the Planning Committee is to be nominated to attend Planning Authority's meeting to speak for the Parish Council. All correspondence should be conducted through the Clerk.

7. Review

These terms of reference are to be reviewed annually.

Estates and Facilities Committee

1. Objective of Estates and Facilities Committee

The Committee is responsible for the care, promotion, refurbishment and development of the council's property; this includes the land, structures, amenities and fixed equipment that is owned by the council

2. Membership

Membership is open to 8 councillors, plus the Chair and Vice Chair of Council ex officio, and Standing Orders 3 and 4 apply in relation to the Committee. A committee meeting is quorate with a minimum of 3 councillors in attendance

3. Areas of Responsibility

The Estates and Facilities Committee has the delegated authority from Fawley Parish Council for decision making in relation to :

- a. The assessment, provision, maintenance, improvements and management of Open Spaces, Playgrounds, Sports Facilities, Moorings and Allotments
- b. Grounds maintenance of all open space and play areas
- c. The provision of street furniture including benches, noticeboards, litter bins, bus shelters and interpretation boards
- d. All buildings and structures and the fixtures and fitting including the statutory testing and certification
- e. The optimisation of energy and water usage, waste minimisation and recycling
- f. The discharge of council functions with relation to allotments
- g. Specialist maintenance schedules for specific areas eg dog walk area and in response to specific occurrences
- h. Liaison with users of the facilities and leasees with regard to improvements that are identified
- i. Developing and submitting planning applications with regard to parish council assets.
- j. Undertaking and taking action in relation to an annual risk analysis for all property
- k. Creating and delivering policies and procedures related to the areas of responsibilities
- l. To develop and deliver a 15 year strategy for all assets covered by the Committee

4. Budget

The Estates and Facilities Committee has the delegated authority from Fawley Parish Council for decision making in relation to :

- a. Drafting the annual core budget and nominate projects for inclusion in budget setting
- b. Scrutinising the budget spend of the specific cost centres overseen by the Committee and agree any virements
- c. Approving the use of the appropriate ear marked reserves
- d. Approving all specifications used for quotes and tenders relevant to the Committee's responsibilities, and the award of any contract in accordance with Financial Regulations and Standing Orders
- e. Making requests to council for the draw down of general reserves to fund essential works

5. Meetings

The calendar of meetings shall be confirmed at the Annual Parish Council Meeting.

Additional Estates and Facilities Committee meetings may be called as and when necessary to ensure that all responsibilities are dealt with in a timely manner.

Minutes will be received at the Full Council meetings.

6. Other

The council may consider items of such importance that it deals with them at council rather than at committee. The council may allocate other matters for the committee's attention outside of the above terms of reference.

7. Review

These terms of reference are to be reviewed annually.

Policy, Resources and Personnel Committee

1. Objective of Policy, Resources and Personnel Committee

The Committee is responsible for overseeing financial management and reporting, corporate governance and effective use of Council resources. The Committee reviews, makes recommendations for approval of new policies and procedures to Council, and monitors the implementation of existing Council policies and procedures

2. Membership

Membership is open to 6 councillors and the Chair and Vice Chair of Council, and Chair of Estates and Facilities as ex officio. Standing Orders 3 and 4 apply in relation to the Committee, the Committee appoints its Chairman.

A committee meeting is quorate with a minimum of 3 councillors in attendance

3. Areas of Responsibility

The Policy, Resources and Personnel Committee has the delegated authority from Fawley Parish Council for decision making in respect of:

- a. Council Standing Orders and Financial Regulations (recommends to council)
- b. Scheme of Delegation
- c. Organisational Design
- d. Policy Development
- e. Human Resources, Training and Organisational Development
- f. Occupational Health and Wellbeing
- g. Communication, PR and Marketing
- h. ICT
- i. Fees and charges setting process
- j. The development of revenue and capital spending plans
- k. Policy and Procedures – Finance, Procurement, ICT,
- l. Business case approval and post project appraisal
- m. Corporate Governance
- n. Legal issues related to Property Asset Management
- o. Significant Service Level Agreements
- p. Approval of significant funding applications
- q. Equality, Disability and Needs
- r. Information Governance
- s. Workforce matters (job descriptions, specifications and salary scale points) and matters arising from the delivery of the Employee Handbook and workforce policies

4. Budget

The Policy, Resources and Personnel Committee has the delegated authority from Fawley Parish Council for decision making in relation to:

- a. Drafting the annual core budget and nominate projects for inclusion in budget setting
- b. Drafting the workforce budget for inclusion in the budget setting
- c. Scrutinising the budget spend of the specific cost centres overseen by the Committee and agree any variations
- d. Approving the use of the appropriate ear marked reserves
- e. Approving all specifications used for quotes and tenders relevant to the Committee's responsibilities, and the award of any contract in accordance with Financial Regulations and Standing Orders
- f. Making requests to council for the draw down of general reserves to fund essential works

5. Meetings

The calendar of meetings shall be confirmed at the Annual Parish Council Meeting. Additional Policy, Resources and Personnel Committee meetings may be called as and when necessary to ensure that all responsibilities are dealt with in a timely manner. Minutes will be received at the Full Council meetings.

6. Other

The council may consider items of such importance that it deals with them at council rather than at committee. The council may allocate other matters for the committee's attention outside of the above terms of reference.

7. Review

These terms of reference are to be reviewed annually.

APPENDIX 3

Annual Parish Meeting

The requirements for the Annual Parish Meeting are dictated by the LGA 1972 sch 12 para 14 (1) and (3). These terms of reference will be followed if no Annual Parish Meeting is called by the community.

- 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.