

MARCHWOOD PARISH COUNCIL

THE LOCALISM ACT 2011 - STANDARDS

1. INTRODUCTION

- 1.1 Provisions in the Localism Act 2011 significantly amend the current standards regime. The National Regulatory body Standards for England (the Standards Board), and statutory local Standards Committees, are abolished.
- 1.2 All Councils have a statutory duty to promote and maintain high standards of conduct by their members.
- 1.3 The Act also includes provisions under which local Councils need to make resolutions. These are:
 - (a) a requirement to adopt and publicise a new Code of Conduct (and for District Councils to adopt procedures for dealing with complaints against members, including Parish Council members, under the Code) (see section 2 below);
 - (b) amended requirements for registering and disclosing interests (see section 3 below). In particular the concept of “personal” and “prejudicial” interests is abolished, and replaced with a statutory requirement to register and disclose certain specified pecuniary interests, failure to comply with which will be a criminal offence. Councils also need to decide what other interests (pecuniary or non-pecuniary) should be registered and disclosed, although failure to register/disclose these will not be a criminal offence;
 - (c) amended provisions for granting dispensations (see section 4 below).
- 1.4 The new legislation came into force on 1 July 2012.
- 1.5 This report brings together recommendations for a way forward on each of the matters set out at paragraph 1.3 above.

2. NEW CODE OF CONDUCT

- 2.1 Under the Localism Act 2011, all Councils are required to adopt a Code dealing with the conduct that is expected of members and co-opted members of the Council when they are acting in that capacity. The wording of the Code is not prescribed, as it was under the 2000 Act. However it must, when viewed as a whole, be consistent with the following principles:
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;
 - (f) honesty;
 - (g) leadership.

- 2.2 The Act also requires Councils to secure that its code of conduct includes the provision the Council considers appropriate in respect of the registration and disclosure of pecuniary, and non-pecuniary, interests.
- 2.3 The Act also prescribes that a Parish Council may comply with these requirements by adopting the Code adopted by its principal authority (that is, New Forest District Council), and may assume that the District Council's Code complies with the statutory requirements.
- 2.4 Attached at Appendix 1 is the Code of Conduct adopted by New Forest District Council. Members will note that many of the provisions of the existing Code (other than the registration and disclosure of interests) are included in the District Council's new Code but that, where possible, the wording of the corresponding provisions in the existing Code has been simplified. The District Council have stated that the main principle applied when drafting this Code has been to set clear rules by which members' conduct is measurable.
- 2.5 The attached Code does not contain any provisions relating to the registration or disclosure of interests. The District Council has resolved that this is not necessary, as criminal sanctions can apply where members fail to comply with the law as it relates to registering and disclosing pecuniary interests, and requirements for the registration and/or disclosure of other interests (failure to comply with which may well be an oversight that should not bring the Code of Conduct and its formal complaints procedure to bear) are more appropriately dealt with through Standing Orders. (See section 3 below). Further, any deliberate failure to disclose an interest, with the intention of influencing the outcome of a decision, may well bring paragraph 1 of the proposed Code into play.
- 2.6 The District Council will still be responsible for dealing with complaints that a Parish Councillor has not complied with the Code. However, members who are found to have failed to comply with the Code can no longer be disqualified or suspended from office, or forced to apologise or undergo training or mediation. The only sanctions remaining are censure, formal "naming and shaming", or removal of the member from a Committee or Council appointment (the latter can only be done by the Parish Council, on the recommendation of the District Council).
- 2.7 Once this Council has adopted a new Code, it is required under the Act to publicise its adoption in such manner as it considers is likely to bring it to the attention of persons who live in its area.
- 2.8 Recommended:**
- (a) That the Code of Conduct attached at Appendix 1 to this report be adopted with immediate effect; and**
 - (b) That the new Code be publicised on the Council's website.**

3. REGISTRATION AND DISCLOSURE OF INTERESTS

3.1 From 1 July there is no legislation, apart from that explained in paragraphs 3.2.1 to 3.2.4 below, governing the registration or disclosure of interests. In the absence of such provisions either in the law or the Code of Conduct, any rules the Council wishes to make should be included in Standing Orders. Accordingly, some Standing Orders to cater for the registration and disclosure of interests are proposed in the recommendation at 3.7 below.

3.2 Disclosable Pecuniary Interests

3.2.1 The Act prescribes certain “disclosable pecuniary interests” (DPI), and lays down what action members who have a DPI are required to take. A list of DPIs has been prescribed by Regulations. They are similar to the financially based personal interests that had to be registered and disclosed before 1 July 2012. They are:

Employment
Sponsorship
Contracts (with the Parish Council)
Land (within the Parish)
Licences related to land (within the Parish)
Corporate tenancies (within the Parish)
Securities (in a body based in the Parish).

3.2.2 One important new provision is that members are required to register and disclose not only their own interests that fall within 3.2.1 above, but also those of their spouse, civil partner, or person they are living with as spouse/civil partner, so far as they are aware that that person has the interest.

3.2.3 Under legislation, failure by a member to disclose a DPI in the way laid down in the Act, or to speak at a meeting or participate in decision making when they have a DPI, will be an offence punishable by a fine and/or disqualification from office. Prosecutions can only be undertaken by the Director of Public Prosecutions. (Private prosecutions by aggrieved individuals are not permitted),

3.2.4 The Act as it relates to DPIs is quite complex. They must be disclosed: (a) to the Monitoring Officer (who will enter them in a register) within 28 days of taking office (but not following re-election if they are already registered); (b) at a meeting, if they have not previously been registered; (c) in writing within 28 days of a disclosure under (b).

3.2.5 In simple terms this means:

- i. There is no longer a statutory obligation on members to keep their register of interests up to date with changes that happen after they first became a Councillor, unless and until an unregistered DPI arises at a meeting.
- ii. Where an interest is entered in the register, there is no longer a statutory obligation to disclose it orally at a meeting.

- 3.2.6 It should also be noted that, under the Act, a member with a DPI will no longer be able to make a statement on the matter in which they have an interest before withdrawing from the meeting. Conversely, there is no statutory requirement to withdraw from the meeting room, so long as the member does not speak or vote.

3.3 Non-pecuniary interests

- 3.3.1 The Localism Act does not specify whether, and if so what, non-pecuniary interests have to be disclosed. It is up to individual Councils to make provision for this. At present, some interests that are not pecuniary have to be registered and disclosed. These are membership of bodies (a) to which the Council has appointed you; (b) which exercise functions of a public nature; (c) which are directed to charitable purposes, and (d) one of whose principal purposes includes the influence of public opinion (these are currently specified as including membership of political parties and trades unions).
- 3.3.2 If the Council were to decide that members need not disclose non-pecuniary interests, the result will be that Councillors who are members of organisations such as strong pressure or lobby groups will be able to speak and vote on matters on which that group campaigns, without their interest being brought to formal public attention. Where the Council is empowered to make a decision on a matter, this could potentially lead to applications for judicial review on the basis that there was bias on the part of a member participating in the decision. Members may therefore consider it wise to make provision in Standing Orders for the registration and disclosure of non-pecuniary interests, in the same way as at present..
- 3.3.3 So long as non-pecuniary interests are registered and disclosed, that would not of itself be a bar to members with such an interest participating in the decision-making process, subject to common law rules on bias and predetermination.

3.4 Interests of Relatives, Friends and Close Associates

- 3.4.1 The Act requires members to disclose the DPIs of their spouse or civil partner or person with whom they are living as such. However, where the financial affairs of another relative, friend or close associate could be affected by a Council decision, there is no longer a statutory obligation to disclose this.
- 3.4.2 To guard against accusations of bias under common law, it is considered that Standing Orders should require disclosure of interests of this type (which by law had to be disclosed under the previous regime).

3.5 Registration and Disclosure of Interests Generally

- 3.5.1 In the interests of openness, and to avoid confusion among the public who may be attending meetings and may not have inspected the register of interests beforehand, it is proposed that the current statutory rules requiring members to keep their register of interests up to date, and to disclose interests at meetings even when they are already entered in the register, be continued through amendment of, and addition to, Standing Orders.

3.6 Publication of Register of Interests

3.6.1 The register of interests is now by law required to be published on both the District Council's and the Parish Council's website.

3.7 Recommended:

That new Standing Orders be adopted as follows:

"Members' Disclosable Pecuniary and Non-Pecuniary Interests

- (a) **All members shall disclose to the Monitoring Officer their disclosable pecuniary interests, as required by legislation.**

All members shall disclose to the Monitoring Officer their non-pecuniary interests that comprise the membership, or position of general control or management, of any body:

- (i) to which the Council has appointed or nominated them; or**
- (ii) exercising functions of a public nature; or**
- (iii) directed to charitable purposes; or**
- (iv) one of whose principal purposes includes the influence of public opinion or policy.**

The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection and as a matter of law has to appear on the Council's and the District Council's websites.

Members shall notify any changes to the above disclosable pecuniary interests and non-pecuniary interests to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.

- (b) **Any member who has a disclosable pecuniary interest, or a non-pecuniary interest falling within (a) above, in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the matter, or when the interest becomes apparent.**

If the interest is a disclosable pecuniary interest the member shall not speak or vote on the matter unless a dispensation has been granted enabling him or her to do so.

If the interest is a non-pecuniary interest, the member may speak and vote, unless prohibited from doing so by common law principles relating to bias and predetermination ((c) below).

Where a relative, friend or close associate of a member has an interest in a matter coming before a meeting of the Council and that interest is of the same nature as a disclosable pecuniary interest set out in legislation, and the member is aware of the existence of that interest,

the member shall disclose the existence and nature of that interest to the meeting. The member may only participate in the meeting to the extent permitted by the rules set out in (c) below, (relating to participation in situations where the common law rules of bias and predetermination apply).

- (c) Where a member is prohibited from participating in a decision under the common law rules relating to bias and predetermination, the member must move to a designated area of the meeting room set aside for members who do not intend to vote, declare their position and explain that they will not be voting. They may then make a statement and answer any questions, and may remain in the meeting for the duration of the business. As well as not voting, the member must not move or second any recommendation.”**

4. DISPENSATIONS

4.1 A member with a disclosable pecuniary interest can apply for a dispensation which, if granted, would enable him or her to speak and/or vote at a meeting on a matter in which he or she has an interest. The District Council will no longer be responsible for deciding applications for dispensations from Parish and Town Councillors. It is therefore necessary for this Council to approve its own arrangements for dealing with requests for dispensations from its own members.

4.2 The grounds on which dispensations may be granted have also been amended. A dispensation is now possible if the Council (or the person to whom the Council delegates power to make decisions on dispensations) considers that:

- (a) the number of members prohibited from participating would be so great a proportion of the Council or Committee concerned as to impede the transaction of the business; or
- (b) without the dispensation the representation of different political groups on the Council or Committee would be so upset as to alter the likely outcome of any vote; or
- (c) granting the dispensation is in the interests of persons living in the Council area; or
- (d) it is otherwise appropriate to grant a dispensation.

4.3 However, this does not mean that requests for dispensations should automatically be granted. In particular, issues relating to the common law rules on bias and predetermination may arise and will need to be taken into account.

4.4 Recommended:

That the following power be delegated to the Parish Clerk:

“To be the proper officer for the purpose of requests for dispensations under section 31(4) of the Localism Act 2011, and, in consultation with the Chairman of the Council (or Vice-Chairman in the event of a conflict of interest), to decide whether to grant a dispensation to enable the member concerned to participate in the discussion, or to vote, or both”.

APPENDIX 1

MARCHWOOD PARISH COUNCIL

CODE OF CONDUCT

EXPLANATORY NOTE FOR COUNCIL MEMBERS

By law, all Councillors are required to follow their Council's Code of Conduct when acting in their capacity as a Councillor.

The Code set out below has been adopted by [name] Council to fulfil its obligations under section 27 (2) of the Localism Act 2011, and is consistent with the following principles of public life set out in the Act: selflessness; integrity; objectivity; accountability; openness; honesty, and leadership.

If you have any doubt about whether any action you propose to take may be in breach of the Code, you should seek advice from the Parish Clerk beforehand. However, please remember that responsibility for your actions remains at all times with you.

Anyone who considers you have failed to comply with this Code may make a formal complaint about you, which will be dealt with by New Forest District Council. The District Council has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to your formal censure, adverse publicity ("naming and shaming"), or a recommendation to the Parish Council that you be removed from a Committee or other position.

Apart from the provisions of this Code, members are required to register and disclose both pecuniary and non-pecuniary interests, as set out in the law and the Council's Standing Orders. Failure to comply with the law as it applies to disclosable pecuniary interests is a criminal offence.

(This explanatory note does not form part of the Code).

MARCHWOOD PARISH COUNCIL

CODE OF CONDUCT

Whenever you are acting in your capacity as a Councillor:

1. You must not use, or try to use, your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.
2. You must not use your Council's resources improperly for political purposes or any other purposes forbidden by your Council.
3. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Council.
4. You must not bully anyone.
(Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
5. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
6. You must not disclose information that you know, or ought to know, is confidential, without authority or a legitimate reason.
7. You must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law.
8. You must not do anything that may cause your Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy.

Marchwood Parish Council



Standing Orders

Adopted July 2010

Reprinted with amendments incorporated 23rd July 2012

Comment [M1]: add

Marchwood Parish Council

Standing Orders Amendment Record

Amendment Number	Standing Order	Date of approval
1	1J – part deleted 1U – deleted 1Z – details added regarding start and finish times of meetings. 2XIX & 2XX – added 29B - deleted	11 th October 2010
<u>2</u>	<u>Title page- reprint date added</u> <u>2ixi – wording changed for GPC</u> <u>3bviii – add website requirement</u> <u>7c – deleted</u> <u>7d – deleted</u> <u>8 – new section added</u> <u>9 – new section added</u> <u>27 – title change</u> <u>27a – added words & change name</u> <u>27b – add & delete words</u> <u>27c – new point</u> <u>27d – new point</u> <u>27c – old point deleted</u> <u>Appendix c – new figure</u>	<u>23rd July 2012</u>

Marchwood Parish Council

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Comment [WF2]: delete

Comment [WF3]: add

Comment [WF4]: add

Comment [M5]: change to General Power of Competence

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1. 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. Ordinary meetings of the Council shall be held at Marchwood Village Hall unless otherwise stated in the notice of meeting.
- b. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which the 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 shall not count.
- c. 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.
- d. Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e. The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes.

- f. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- g. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for a oral response or to an employee for a written or oral response.
- i. A record of a public participation session at a meeting shall be included on the minutes of that meeting.
- j. A person shall raise his hand when requesting to speak
- k. Any person speaking at a meeting shall address his comments to the Chairman.
- l. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- n. In accordance with standing order 1(c) above, the press shall be provided 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 Chairman may in his absence be done by, to or before the Vice-Chairman.
- p. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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 model standing order 1(y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

- r. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below).
- s. Unless standing orders provide otherwise, voting on any 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 his vote for or against that question. Such a request shall be made before moving onto the next item of business on the agenda.
- t. The minutes of the meeting shall record the names of the Councillors present and absent.
- u. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- v. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded on the minutes. (see also standing orders 7 and 8 below)
- w. 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 4.
- x. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- y. Meetings shall not exceed a period of 2.5 hours. The proceeding of any committee shall start at 7.30pm or 8.00pm, as specified in the notice of the meeting, and will not proceed beyond 10.00pm unless a majority decision is taken to proceed beyond that time.

2. Ordinary Council meetings

See also standing order 1 above

- 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 a Council shall be held on such day in May as the Council may direct.
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- 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 as the Council directs.
- e. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting 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 his successor is elected at the next annual meeting of the Council.
- g. The Vice-Chairman of the Council, if any, unless he resigns or becomes 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 been re-elected as a member of the Council, he shall preside at the 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 must give a casting vote in the case of an equality of votes.
- i. Following the election of the Chairman of the Council and the Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - I. To receive the Chairman's declaration of acceptance of office.
 - II. In an election year, delivery by Councillors of their declarations of acceptance of office.
 - III. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - IV. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - V. Review of terms of references for committees.

- VI. Receipt of nominations to existing committees.
- VII. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.
- VIII. Review and adoption of appropriate standing orders and financial regulations.
- IX. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure uncured by other local authorities.
- X. Review of representatives on or working with external bodies and arrangements for reporting back.
- XI. ~~In a year of elections, if -a Council's period of eligibility to exercise the Power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.~~
- XI. Reaffirm the council's eligibility to exercise the General Power of Competence.
- XII. Review of inventory of land and assets including buildings and office equipment.
- XIII. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- XIV. Review of the Council's and/or employee's memberships of other bodies.
- XV. Establishing or reviewing the Council's complaints procedure.
- XVI. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- XVII. Establishing or reviewing the Council's policy for dealing with the press/media.
- XVIII. Setting dates, times and place of ordinary meetings of the full Council for the year ahead.

Comment [M6]: delete

Comment [M7]: insert

XIX. Receive reports from the County and District Councillors.

XX. To appoint the Staffing Panel.

3. Proper Officer

- a. The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b. The Council's Proper Officer shall do the following:
 - i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - iii. Subject to standing orders 4(a) – (e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
 - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)i above.
 - v. Make available for inspection the minutes of meetings.
 - vi. Receive and retain copies of byelaws made by other local authorities.
 - vii. Receive and retain declarations of acceptance of office from councillors.
 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection. Ensure that

[these are also available on the Parish Council website as required by law](#)

Comment [WF8]: add

- ix. Keep proper records required before and after meetings.
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by two Councillors and witnessed. (*see also standing orders 14(a) and (b)*).
- xiv. Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority on the minutes of the Planning Committee.
- xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice Chairman of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the Planning Committee.
- xvii. Retain custody of the Seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. Motions requiring written notice

- a. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.

- b. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c. If the Proper Officer considers the wording of the motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- d. If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e. Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered into a book, which shall be open to inspection by all councillors.
- g. Every motion rejected in accordance with the Council's standing orders shall duly be recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. Motions not requiring written notice

- a. Motions in respect of the following matters may be moved without a written notice.
 - I. To appoint a person to preside at a meeting.
 - II. To approve the absences of councillors.
 - III. To approve the accuracy of the minutes of the previous meeting.

- IV. To correct an inaccuracy on the minutes of the previous meeting.
- V. To dispose of business, if any, remaining from the last meeting.
- VI. To alter the order of business on the agenda for reasons of urgency or expedience.
- VII. To proceed to the next business on the agenda.
- VIII. To close or adjourn debate.
- IX. To refer by formal delegation a matter to a committee or to a sub committee or an employee.
- X. To appoint a committee or sub committee or any councillors (including substitutes) thereto.
- XI. To receive nominations to a committee or sub committee.
- XII. To dissolve a committee or sub committee.
- XIII. To note the minutes of a meeting of a committee or sub committee.
- XIV. To consider a report and/or recommendations made by a committee or a sub committee or an employee.
- XV. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- XVI. To authorise legal deeds to be signed by two councillors and witnessed. (*See standing orders 14(a) and (b) below*).
- XVII. To authorise the payment of monies.
- XVIII. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- XIX. To extend the time limit for speeches.
- XX. To exclude the press and public for all or part of a meeting.
- XXI. To silence or exclude from the meeting a councillor or a member of the public for disorderly conduct.

- XXII. To give the consent if such consent is required by standing orders.
 - XXIII. To suspend any standing order except those which are mandatory by law.
 - XXIV. To adjourn a meeting.
 - XXV. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - XXVI. To answer questions from councillors.
- b. If a motion falls within the terms of reference of a committee or sub committee or within the delegated powers conferred to an employee, a referral of the same may be made to such committee or sub committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. Rules of debate

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b. Subject to standing orders 4(a) – (e) above, a motion shall not be considered unless it has been proposed and seconded.
- c. Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f. Any amendment to a motion shall be either:

- I. To leave out words;
 - II. To add words;
 - III. To leave out and add other words.
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
 - h. Only one amendment shall be moved and debated at a time, the order if which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
 - i. Subject to standing order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
 - j. Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
 - k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
 - l. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
 - m. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
 - n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
 - o. Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
 - p. During the debate of a motion, a councillor may interrupt only in 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 irregularity in the meeting he is concerned by.

- q. A point of order shall be decided by the Chairman and his decision shall be final.
- r. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s. Subject to standing order 6(o) above, when a councillor's 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 the vote;
 - v. To ask a person to be silent or for him 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;
 - ix. To suspend any standing order, except for those which are mandatory.
- t. In respect of standing order 6(s) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7. Code of Conduct

See also model standing orders 1(d) – (i) above

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

c. If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

Comment [WF9]: delete

d. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

Comment [WF10]: delete

8. Members Disclosable Pecuniary and Non-Pecuniary Interests

Comment [WF11]: add new section

a. All Councillors shall disclose to the Monitoring Officer their disclosable pecuniary interests, as required by legislation.

Comment [WF12]: add

b. All Councillors shall disclose to the Monitoring Officer their non-pecuniary interests that comprise the membership, or position of general control or management, of anybody:

i. To which the Council has appointed or nominated them; or

ii. Exercising functions of a public nature; or

iii. Directed to charitable purposes; or

iv. One of whose principle purposes includes the influence of public opinion or policy.

Comment [WF13]: add

c. The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection and as a matter of law has to appear on the Council's and the District Council's websites.

Comment [WF14]: add

d. Members shall notify any changes to the above disclosable pecuniary interests and non-pecuniary interests to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.

Comment [WF15]: add

e-e. Any Councillor who has a disclosable pecuniary interest, or a non-pecuniary interest falling within (a & b) above, in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the meeting, or when the interest becomes apparent.

Comment [WF16]: add, amended from NFDC template as the points above have all been lettered. Also disclosures to be made at start of meeting not as the item comes up.

f. If the interest is a disclosable pecuniary interest the Councillor shall not speak or vote on the matter unless a dispensation has been granted enabling him or her to do so.

Comment [WF17]: add

g. If the interest is a non-pecuniary interest, the Councillor may speak and vote, unless prohibited from doing so by common law principles relating to bias and predetermination (see i below).

Comment [WF18]: add

h. Where a relative, friend or close associate of a Councillor has an interest in a matter coming before a meeting of the Council and that interest is of the same nature as a disclosable pecuniary interest set out in legislation, and the Councillor is aware of the existence of that interest, the Councillor shall disclose the existence and the nature of that interest to the meeting. The Councillor may only participate in the meeting to the extent permitted by the rules set out in (i) below, (relating to participation in situations where common law rules of bias and predetermination apply).

Comment [WF19]: add

i. Where a Councillor is prohibited from participating in a decision under the common law rules relating to bias and predetermination, the Councillor must move to a designated area of the meeting room set aside for Councillors who do not intend to vote, declare their position and explain that they will not be voting. They may then make a statement and answer any questions, and may remain in the meeting for the duration of the business. As well as not voting, the Councillor must not move or second and recommendation.

Comment [WF20]: add

9. Dispensations

Comment [WF21]: add

a. That the following power be delegated to the Proper Officer

Comment [WF22]: add

b. To be the proper office for the purpose of requests for dispensation under section 31(4) of the Localism Act 2011, and, in consultation with the Chairman of the Council (or Vice-Chairman in the event of a conflict of interest), to decide whether to grant a dispensation to enable the Councillor concerned to participate in the discussion, or to vote, or both.

Comment [WF23]: add

8.10. Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

9.11. Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, 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 majority of the () and the minutes are

confirmed as an accurate record of the proceedings.”

- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10.12. Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11.13. Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 6 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12.14. Voting on appointments

- a Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

13.15. Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

14.16. Execution and sealing of legal deeds

See also standing order 5(a)(xvi) above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

15.17. Committees

See also standing order 1 above

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;

- ii. Except where ordered by the council in the case of a committee, or by the council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half if its members;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 7 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

16-18. Sub-committees

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17-19. Extraordinary meetings

See also standing order 1 above

- 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 or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must 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 sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by two councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by two councillors.

18.20. Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19.21. Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

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

20.22. Estimates/precepts

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of December.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than October.

21.23. Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22.24. Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23.25. Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24.26. Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

27. Power of well-being (England)

Comment [WF24]: change to General Power of Competence

a Before exercising the **general** power **to promote well-being**, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

Comment [M25]: add

Comment [M26]: change to 'of competence'

b The Council's period of eligibility begins on the date that the resolution under standing order 275 (a) above was made and expires on the day ~~before~~ **of the next** annual meeting of the Council. ~~that takes place in a year of ordinary elections.~~

Comment [M27]: amend

Comment [M28]: delete

Comment [M29]: add

Comment [M30]: add

Comment [M31]: delete

c **If, at the relevant meeting, the parish council does not pass a (further) resolution that it meets these eligibility criteria, it cease to be an eligible parish council, but a transitional provision specifies that the council shall continue to be an eligible parish council for the purpose of completing any activity undertaken in the exercise of the general power but not completed before the day of that meeting.**

Comment [M32]: add

d **The resolution that the council meets the prescribed conditions cannot be delegated to a committee or sub-committee.**

Comment [M33]: add

c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

Comment [WF34]: delete

25.28. Matters affecting council employees

a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Policy & Resources committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

b The Chairman of the Policy & Resources committee or the Staffing sub-committee or in his absence, the Vice-Chairman shall upon a resolution

conduct a review of the performance and/or appraisal of Clerk to the Council and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Policy & Resources committee.

- c Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Council and convene the grievance panel or in his absence, the Vice-Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Full Council.
- d Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by any employee relates to the Chairman or Vice-Chairman of the Council, this shall be communicated to another member of Staffing Panel, which shall be reported back and progressed by resolution of Full Council.
- e Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

f The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

fg Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

gh Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.

hi Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Clerk to the Council and the Deputy Clerk to the Council.

26.29. Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Policy & Resources committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

27.30. Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

28.31. Liaison 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 councillor of the District and County or Unitary Council representing its electoral ward.

29.32. Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£50,000] shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;

- iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

30-33. Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Policy & Resources Committee.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Policy & Resources Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Policy & Resources Committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Policy & Resources Committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Policy & Resources Committee shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

31-34. Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least two thirds of the councillors.

32-35. Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

APPENDIX A

TERMS OF REFERENCE OF COMMITTEES

Amenities: This committee shall:

- a) Be responsible for public rights of way, recreation grounds, public open space and amenity land and connected uses.
- b) Advise, administer and arrange the activities of functions connected with sports and play equipment.
- c) Review charges for use of the council's facilities.
- d) Be responsible for the repair and maintenance of public seats, litter bins, and any other equipment used for the provision or maintenance of amenity equipment.
- e) Incur expenditure on behalf of the council within budgetary limits as prescribed annually.
- f) Manage the council's buildings connected with entertainment or recreational activities.

Planning: This committee shall:

- a) Advise the council in all action required to be taken with local planning highway and associated authorities and utility boards on matters relating to local and district highways, road safety, coast protection, utility services and similar matters affecting the parish.
- b) Have a standing responsibility to examine all planning application and appeals affecting the parish and shall WITHOUT reference to the council make known its comments thereon to the Local Planning Authority within the statutory time limits imposed.
- c) At the discretion of the committee, refer any such application to the parish council as is considered necessary.
- d) Appoint a member and / or member or other suitable person to represent the inhabitants of parts or the whole of the parish at any public or other inquiry by a Ministry or other public body under any act relating to development control or any other aspect of the council responsibilities.

- e) Be empowered to liaise with anybody, organisation or department of any local authority or utility board on any matter within the committee's area of responsibility.
- f) Monitor the application and effectiveness of Tree Preservation Orders in the parish and make appropriate recommendations in this connection to the responsible authority.
- g) The Clerk, in consultation with the committee chairman, to advise the Planning Authority accordingly if it is considered necessary for a representative to attend a meeting of the Planning Committee where a planning application is to be considered and the officer recommendation is contrary to the parish observation. Members willing to attend such meetings to advise the Clerk accordingly.

Policy & Resources: This Committee shall:

- a) Receive and deal with any special references from the council.
- b) Be responsible for the financial, manpower and land resources of the council. This shall include arrangements for the acquisition, allocation, disposal, inventory and insurance of any land, buildings or substantial property and for provision of capital equipment.
- c) Take urgent action in the interest of the council where time precludes normal council or committee consideration of a particular matter.
- d) Incur expenditure on behalf of the council within the budgetary limits as prescribed annually.
- e) Review the effectiveness of the organisational and administrative processes of the council.
- f) Make recommendations as necessary for changes in committee structure, alterations to Standing Orders, administrative, financial and executive arrangements of the council.
- g) Be responsible for agreeing the terms and conditions of employment of staff and the issue of any contracts of employment.
- h) Guide the council in the formulation of policy objectives and recommend such provision in the annual budget as necessary.
- i) Be responsible for determining grant applications in November of each year.
- j) Consider the recommendations of the Amenities Committee and Trustee of the Lloyd Recreation Ground when setting the annual budget and precept.

- k) To authorise the payment of accounts.
- l) To present the precept to the December meeting of the Parish Council for approval and submission to New Forest District Council.
- m) To overview means of communication.

APPENDIX B

COMPLAINTS PROCEDURE

Complaints about an employee of the council should be dealt with internally as an employment matter, as within the contract of employment and NJC conditions of service.

Complaints about a councillor are subject to the jurisdiction of the Standards Board and complainants should be advised to contact the Monitoring Officer.

Complaints about the administration of the Council or its procedures either made by the complainant direct or which have been referred back to the Council from other bodies should be dealt with at a meeting of the Council, as follows:

- a) The Council to consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the council meeting in public and duly recorded in the minutes of the meeting.
- b) The Chairman to introduce everyone and explain the procedure.
- c) The complainant (or representative) to outline grounds for complaint.
- d) Members to ask any questions of the complainant.
- e) If relevant, Clerk or other proper officer to explain the council's position.
- f) Complainant to leave the room whilst members consider appropriate action.
- g) Council's decision and the nature of any action to be taken to be communicated in writing to the complainant.

APPENDIX C

MEMBERS ALLOWANCES

- a) Travel and subsistence allowances for Members of Town and Parish Councils shall be the same as the allowances recommended for New Forest District Council.
- b) That the mileage rates applied be the Revenue's approved mileage allowance payments (AMAP) which are the maximums that may be paid without incurring tax liability. These are currently (for the first 10,000 business miles in the tax year):

Cars and vans (irrespective of engine size)	40p per mile
Motor cycles	24p per mile
Bicycles	20p per mile

Comment [WF35]: change to 45p as in line with HMRC change in April 2011

- c) That the allowances be adjusted annually, with effect from 1st April each year, by any adjustments to the AMAP agreed by the Inland Revenue.
- d) That where Members travel together on approved journeys, the Member using his/her vehicle be entitled to an additional allowance of 2p per mile per passenger.
- e) Where public transport is used, the most cost effective method of travel, making use of 'special offer' rates where possible, should be used. The cost of standard rate only will generally be reimbursed. Exceptional payments may be authorised by the parish council.
- f) Taxis may be used only in special circumstances and should have the prior approval of the Clerk.
- g) That each council decides whether it wishes to pay travel and subsistence allowances both within and outside the boundaries of the parish, or outside the boundaries only.