



# **BROCKENHURST PARISH COUNCIL**

## **STANDING ORDERS**

**September 2019**

**Adopted at Parish Council meeting  
17th September 2019**

## CONTENTS

1.	Rules of debate at meetings	3
2.	Disorderly conduct at meetings	5
3.	Meetings generally	5
4.	Committees and sub-committees	8
5.	Ordinary council meetings	9
6.	Extraordinary meetings of the council and committees and sub-committees	12
7.	Previous resolutions	12
8.	Voting on appointments	13
9.	Motions for a meeting that require written notice to be given to the Proper Officer	13
10.	Motions at a meeting that do not require written notice	14
11.	Handling confidential or sensitive information	15
12.	Draft minutes	15
13.	Code of conduct and dispensations	16
14.	Code of conduct complaints	17
15.	Proper Officer	17
16.	Responsible Financial Officer	19
17.	Accounts and accounting statements	19
18.	Financial controls and procurement	20
19.	Handling staff matters	20
20.	Requests for information	21
21.	Responsibilities under Data Protection Legislation	21
22.	Relations with the press/media	21
23.	Execution and sealing of legal deeds	21
24.	Communicating with District and County or Unitary councillors	22
25.	Restrictions on councillor activities when dealing with the public	22
26.	Standing orders generally	22

**Points shown in bold type contain legal and statutory requirements and amendments are not recommended.**

## **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 chairman of the meeting.
- b All members have the right to speak but shall address the Chairman only.
- c A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- d A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- e If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- f An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- g If an amendment to the original motion is carried, the amended motion becomes the substantive motion upon which further amendment(s) may be moved.
- h An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- i A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- j If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- k Subject to standing order 1(l) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- l One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- m A councillor may not move more than one amendment to an original or substantive motion.
- n The mover of an amendment has a right of reply at the end of debate on it.
- o 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 of the first amendment or at the very end of debate on the final substantive motion

immediately before it is put to the vote.

- p Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation;
  - v. in exercise of a right of reply;
- q During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- r A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- s 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.
- t Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- u Excluding motions moved under standing order 1(s) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chairman of the meeting.
- v Party political issues shall not be discussed.

## **2. Disorderly conduct at meetings**

- a No speech shall contain offensive expressions or impute motives in reference to any member, officer or employee.
- b No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- c If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- d If a resolution made under standing order 2(c) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- e In the event of a general disturbance which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without question put, adjourn the meeting of the council for such period or to such place as he/she in his/her discretion shall consider expedient.
- f If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn the person. If he/she continues the interruption the Chairman shall order his/her removal from the meeting. In the case of a general disturbance in any part of the chamber open to the public, the Chairman may order that part to be cleared.

## **3. Meetings generally**

- 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 committee 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.**

- 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.** Members of the Public have the right to attend meetings but they do not have the right to disrupt them.
- e Members of the public may make representations at a meeting which they are entitled to attend in respect of matters relevant to the parish. A record of the matters raised in the Public Presentments shall be kept within the Minutes of the meeting. Responses to matters raised may be given in at the end of the meeting if they have not been addressed previously.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed ten minutes unless permitted by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than three minutes unless permitted by the chairman of the meeting.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- k 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.. There shall be no disruption to proceedings of the meeting, or disturbance to members of the public present in carrying out this activity. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- l 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.**
- m Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in**

his absence be done by, to or before the Vice-Chairman of the Council.

- n **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.**
- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- p **The chairman 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 his casting vote whether or not he gave an original vote.**

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

- q **Unless standing orders or the co-option policy 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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- r The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. 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. whether there was a public participation session; and
  - vii. the resolutions made.
- s **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 his right to participate and vote on that matter. They must leave the room when the relevant matter is being considered.**

- t Any councillor who has a personal prejudicial interest in a matter being considered by the council cannot participate in discussion and vote on the matter but they may speak in the same way as any member of the public. They must leave the room when the matter is being considered by the Council.
- u Any pecuniary, personal prejudicial interest of a councillor will be declared at every meeting where the relevant matter is being considered.

- 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 three.**

*See standing order 4f(viii) below 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 three hours unless the Chairman agrees to an extension.

#### **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.** The members of the Events Committee only may include non-councillors with voting rights and those rights are limited to that Committee. If the Chairman or Vice-Chairman of the Parish Council is/are present at any committee meeting, although not chairing the meeting, they will be Ex Officio members with full voting rights. All councillors are welcome to attend a committee meeting but only those formally appointed to the Committee may participate and vote.
- 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 Committees shall be empowered to co-opt any council member or other person (in a non-voting consultative capacity), as the situation demands.
- e A council member NOT a member of a committee may attend the proceedings of that committee and may, with the presiding chairman's consent, contribute to the proceedings but not vote.
- f The council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may determine the number and time of the ordinary meetings of a standing committee;
- iii. shall permit a committee, other than in respect of those meetings determined by the council, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c) above, 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 that they are unable to attend;
- vi. may, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee to appoint its own chairman at the first meeting of the committee if the council did not appoint a chairman.
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- ix. shall determine whether the public may participate at a meeting of a committee;
- x. shall determine whether 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 whether the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

## **5. Ordinary council meetings**

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on the third Tuesday in May.**
- c The annual meeting of the council shall normally take place in**

**Brockenhurst Village Hall at 7pm.**

- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year.** Meetings will normally be held on the third Tuesday of each month except August and December and will usually take place in Brockenhurst Village Hall starting at 7pm.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) 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 not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the 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.**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:**
  - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his 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. Appointment of members to committees such as;  
Amenities and Infrastructure Committee (A & I)  
Personnel and Resources Committee (P & R)  
Planning Committee  
Events Committee  
Nalder Charity Management Committee
  - vii. Appointment of any new committees in accordance with standing order 4 above;
  - viii. Adoption of appropriate standing orders and financial regulations; and arranging future review
  - ix. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - x. Review of representation on or work with external bodies and arrangements for reporting back;
  - xi. 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;
- k At every ordinary council meeting, the first business shall be the appointment of a chairman to preside at the meeting if, and for as long as, the Chairman and Vice-Chairman of the Council are not present. After the first business has been completed the council shall receive such Declaration of Office (if any) as are required by law to be made and thereafter the regular business, unless the council decides otherwise on the ground of urgency, shall be as follows:-
- i apologies from members not present will be noted.
  - ii to approve the minutes of the last meeting as a correct record by the signature of the presiding Chairman
  - iii to deal with any business expressly required by statute to be done

- iv to dispose of business, if any, remaining from the last meeting
- v to receive the reports of the County and District Councillors
- vi to consider proposals, matters, or recommendations
- vii to ratify recommendations of committees
- viii any other business specified in the summons
- ix to receive and consider any communications the presiding Chairman may wish to lay before the Council. A list of communications received since the last meeting will be given to all councillors at the start of the meeting
- x to authorise approved expenditure
- xi to receive reports of incidental items from councillors and to discuss matters raised in the public presentments. Items requiring a decision will be deferred to the next meeting.
- xii to confirm the date and venue of the next meeting.

## **6. Extraordinary meetings of the council and committees and sub-committees**

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to 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 must be signed by the two councillors.**
- c The only business to be transacted at an Extraordinary Council meeting shall be the motion(s) for which written notice has been given.
- d The chairman of a committee may convene an extraordinary meeting of the committee at any time, stating the business to be transacted.
- e If the chairman of a committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by three members of the committee, any three members of the committee may convene an extraordinary meeting of a 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 3 councillors to be given to the Proper Officer in accordance with standing order 9 below, 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) above has been disposed of, no similar motion may be moved within a further six months.

## **8. Voting on appointments**

- a. Other than co-option of a member of the Council, or appointment of the Proper Officer 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 will be settled by the casting vote exerciseable by the chairman of the meeting. **Only councillors present at the meeting** may nominate, second or vote upon a person to fill a vacancy.
- b All new Councillors **must**, within 28 days of appointment to office, **register their interests** with the New Forest District Council Monitoring Officer on the forms supplied by the Proper Officer.
- c. Co-option of a councillor or councillors – general – Please refer to the Co-option Policy of the Council – Annex B.

## **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 7 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) above, 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) 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 so that it can be understood at least five clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper or

vexatious, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

## **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 sensitive 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 requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a 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**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda, or earlier, to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b Providing the draft minutes have been circulated to Councillors for 7 working days and any agreed modifications made, the draft minutes, clearly marked as "draft" may be made available for public inspection.
- c 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) above, notwithstanding that corrections/amendments are requested in advance.
- d The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and they shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- e If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes

are confirmed as an accurate record of the proceedings.”

- f Upon a resolution which confirms the accuracy of the minutes of a meeting, any audio recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. Code of conduct and dispensations**

*See also standing order 3(t) and 3(u) above and the Code of Conduct adopted in September 2012.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final. If the meeting of council, committee or sub-committee would not be quorate if the dispensations were granted, then the Proper Officer will decide on the dispensation(s) and his/her decision will be final. *(See policy on dispensations dated 20<sup>th</sup> November 2012)*
- 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) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required, or at the time of discussion if

the dispensation requirement is not apparent at the beginning of the meeting.

- h A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. granting the dispensation is in the interests of persons living in the council's area or**
  - iii. it is otherwise appropriate to grant a dispensation.**

## **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 above, report this to the council.
- b** Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c** The council may:
  - i.** provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii.** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d** **Upon notification by New Forest District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Parish 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. A councillor who has requested a motion be put on the agenda may withdraw it at any time up to the commencement of the relevant meeting.
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. 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);
- xi. arrange for legal deeds to be executed;  
*(see also standing order 23);*
- xii. (unless delegated to another officer) record every planning application

notified to the Council and the Council's response to the local planning authority;

- xiii (unless delegated to another officer) refer a planning application received by the Council to the Planning Authority Case Officer to request an extension to the comment time limit or, if this is not possible, arrange an additional meeting of the Committee;
- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the Council (if there is one) which shall not be used *without a resolution to that effect*.

(see also standing order 23).

## **16. Responsible Financial Officer**

- a The council may appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer including when the Responsible Financial Officer is incapacitated.
- b The RFO shall arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

## **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 (England)
- 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 financial summaries as requested by the P & R committee for its meetings.
- 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 income and expenditure for the year; and
  - ii. to the full 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 applying the form of accounts determined by the council

(receipts and payments, or income and expenditure) for a year to 31 March. The Annual Return of the council, which is subject to external audit, including the Annual Governance statement, shall be presented to council in sufficient time for consideration and formal approval before 30th June, or to comply with the Audit date advised by the external auditor.

## **18. Financial controls and procurement**

See financial regulations, Appendix A

## **19. Handling staff matters**

- a A matter personal to a member of staff that is being considered by a meeting of council OR the personnel and resources committee is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairman OR the Personnel and Resources committee of any significant absence occasioned by illness or other reason.
- c A review of the performance and annual appraisal of the work of the Parish Clerk will be carried out by the Chairman. The Clerk will review the performance and carry out an annual appraisal for all other employees.
- d Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman of the P & R committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the P & R committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the chairman or vice-chairman of the P & R committee, this shall be communicated to another member of the P & R committee, which shall be reported back and progressed by resolution of the P & R committee.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Proper Officer and the Chairman of the Council.

## **20. Requests for information**

- 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.

## **21. Responsibilities under Data Protection Legislation**

(Below is not an exclusive list). *See also standing order 11 and GDPR Policy*

- 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 his 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/members of the public**

- a** Requests 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.
- b** No councillor shall give an opinion on behalf of the Parish Council other than that collectively agreed, unless authorised by the Chairman or Proper Officer by reason of specialist knowledge. A personal opinion can be given by a councillor provided it is made clear that it is not on behalf of the Parish Council. Councillors approached by the media for comment shall refer them to the Chairman or Clerk.

## **23. Execution and sealing of legal deeds**

*See also standing orders 15(b)(xi) and (xv) above.*

- a** A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b** Subject to standing order 23(a) above, 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, County or Unitary councillors**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillors of New Forest District Council and the Hampshire County Councillor representing the area of the council. Principal Authority councillors have no special rights at local council meetings, but time not exceeding ten minutes is included for them to report on current issues relevant to the parish.

## **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 requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for the duration of the 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 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 above, unless it is part of a periodic review of Standing/Orders.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.