

Littleton and Harestock Parish Council (LHPC)

Standing Orders 2021-22

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Introduction

This document describes the Standing Orders for the Littleton and Harestock Parish Council (LHPC). Any standing orders listed in this document that are in bold type contain legal and statutory requirements.

The document is based on a template as provided by the NALC document, Model Standing orders 2018 for England (Revised 2020) © NALC 2020, and is modified as follows:

- a. Gender specific language has been removed.
- b. Section 1g is modified such that early verbal or written notice is not required before considering an amendment.
- c. Section 3i allows for a person to remain seated when speaking unless directed by the Parish Council Chair. This is the opposite of the ruling in the NALC model which proposes that the person stands, and is allowed to sit with permission from the Parish Council Chair.
- d. Section 3r is reworded to add clarity.
- e. Section 4d is modified to prevent any committee from appointing its own chair; this must be done at a Parish Council meeting.
- f. Section 5a, 5b and 17e is updated to account for National Emergencies.
- g. Section 8b has been reworded.
- h. The annual meeting of the Parish Council list of business is modified as the review of documentation is covered in the Terms of Reference for the Finance and General Purposes committee meeting.
- i. As described in 20b the Parish Council does not meet the threshold for the transparency requirements for either Small Authorities or Local Government, therefore the council shall regard the regulations of **the Local Government (Transparency Requirements) (England) Regulations 2015** as best practice and endeavour to publish information according to the requirements of **the Local Government (Transparency Requirements) (England) Regulations 2015**.
- j. Section 17c is modified to match LHPC procedures, financial statements are presented to the Finance and General Purposes meeting who meet 4 times a year but not quarterly therefore references to quarterly have been changed to “year to date”.
- k. References to the seal of the Council or the common seal have been removed as the Parish Council do not have a seal.
- l. References to District, Unitary and County Councils have been replaced where appropriate with Winchester City Council and/or Hampshire County Council. Where appropriate references to Council have been replaced with Parish Council.
- m. An appendix explaining committee structure and delegation to committees has been included.

Note that there have not been any modifications to any NALC standing orders shown in bold which relate to required legislation.

Littleton and Harestock Parish Council have permission from NALC to use the model standing orders for Parish Council governance purposes.

In this document, the word resolution is the term for a decision lawfully made by the majority of those present and voting at a quorate meeting of a local council, a committee or a sub-committee.

Standing Orders

1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

- c. A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall be considered even if early verbal or written notice is not provided.
- h. A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k. One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since the councillor last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which may have been breached or specify the other irregularity in the proceedings of the meeting the councillor is concerned by.
- q. A point of order shall be decided by the chair of the meeting and the decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

- s. Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t. Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chairman of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

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

3. MEETINGS GENERALLY

- a. **Parish Council meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a Parish Council 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.** Note: This does not apply to sub-committee meetings.
- d. **Parish Council and committee meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
Note: Sub-committee meetings do not need to be open to the public.
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Members of the public, who make representations, will be asked to introduce themselves and indicate if they represent any specific associations or groups.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed ten minutes unless directed by the chair of the meeting
- g. Subject to standing order 3(f), a member of the public shall not speak for more than three minutes
- h. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i. A person shall remain seated when speaking unless requested to stand by the Chair.
- j. A person who speaks at a meeting shall direct comments to the chair of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l. **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an**

audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

- m. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Parish Council may in their absence be done by, to or before the Vice-Chair of the Parish Council (if there is one).**
- p. **The Chair of the Parish Council, if present, shall preside at a Parish Council meeting. If the Chair is absent from a Parish Council meeting, the Vice-Chair of the Parish Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a Parish Council meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r. **The chair of a meeting may vote on any matter put to the vote, and where there is no majority the chair may exercise a casting vote whether or not an original vote was submitted.**

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

- s. **During Parish Council meetings, and unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave a vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t. The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- u. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Parish Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on the right to participate and vote on that matter.**
- v. **No business may be transacted at a Parish Council meeting unless at least one-third of the whole number of members of the Parish Council are present and in no case shall the quorum of a Parish Council meeting be less than three.**

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

- w. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting
- x. A meeting shall not exceed a period of three hours.

4. COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS

- a. **Unless the Parish 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 Parish Council.**
- c. **Unless the Parish Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. The Parish Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Parish Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a standing committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - vii. shall not permit a committee to appoint its own chair.
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.
- e. The Parish Council may appoint informal working parties or groups of Parish Council members and non-councillors to a Working Group.
- f. Terms of reference documents for Working Groups are not required, but if they do exist, they will be determined by the Parish Council.
- g. Informal meetings of a Working Group do not need to conform to standings orders within this document; however the Working Group members may choose to conform to specific standings orders which can be documented in a terms of reference document, if one exists.
- h. Unless the Parish Council determines otherwise, all the members of a Working Group may be non-councillors.

5. ORDINARY COUNCIL MEETINGS

- a. **In an election year, the annual meeting of the Parish Council shall be held on or within 14 days following the day on which the councillors elected take office**, unless emergency circumstances require a delay subject to government legislation and advice by NALC/HALC, e.g. a national pandemic.
- b. **In a year which is not an election year, the annual meeting of the Parish Council shall be held on such day in May as the Parish Council decides**, unless emergency circumstances require a delay subject to government legislation and advice by NALC/HALC, e.g. a national pandemic.
- c. **If no other time is fixed, the annual meeting of the Parish Council shall take place at 7pm.**
- d. **In addition to the annual meeting of the Parish Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Parish Council decides.**
- e. **The first business conducted at the annual meeting of the Parish Council shall be the election of the Chair and Vice-Chair (if there is one) of the Parish Council.**
- f. **The Chair of the Parish Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until a successor is elected at the next annual meeting of the Parish Council.**
- g. **The Vice-Chair of the Parish Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Parish Council at the next annual meeting of the Parish Council.**
- h. **In an election year, if the current Chair of the Parish Council has not been re-elected as a member of the Parish Council, shall preside at the annual meeting until a successor Chair of the Parish Council has been elected. The current Chair of the Parish Council shall not have an original vote in respect of the election of the new Chair of the Parish Council but shall give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chair of the Parish Council has been re-elected as a member of the Parish Council, they shall preside at the annual meeting until a new Chair of the Parish Council has been elected. The current Chair of the Council may exercise an original vote in respect of the election of the new Chair of the Parish Council and shall give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chair of the Parish Council and Vice-Chair (if there is one) of the Parish Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair of the Parish Council and councillors of their acceptance of office forms unless the Parish Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Parish Council of their acceptance of office form unless the Parish 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 Parish Council;
 - iii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - iv. Review of the terms of reference for committees;
 - v. Appointment of members to existing committees;
 - vi. Appointment of any new committees in accordance with standing order 4;
 - vii. Review and adoption of appropriate standing orders and financial regulations;
 - viii. 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;

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

- a. **The Chair of the Parish Council may convene an extraordinary meeting of the Parish Council at any time.**
- b. **If the Chair of the Parish Council does not call an extraordinary meeting of the Parish 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 Parish Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c. The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d. If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

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

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Parish Council's statutory functions, powers and obligations or an issue which specifically affects the Parish Council's area or its residents.
- b. No motion may be moved at a meeting unless the business to which it relates has been put on the agenda by the Proper Officer or the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least three clear days before the meeting.

- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a. **The Parish 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 Parish 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 Parish 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 Parish 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 to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- e. **If the Parish Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Parish Council.
- b. Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which the councillor has a disclosable pecuniary interest. The councillor may return to the meeting after it has considered the matter in which the councillor had the interest.
- c. Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which the councillor has another interest if so required by the Parish Council's code of conduct. The councillor may return to the meeting after it has considered the matter in which the councillor 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 Parish Council, or committee or sub-committee for which the dispensation is required, and that decision is final.

- f. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g. Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Parish Council, or committee or sub-committee for which the dispensation is required.
- h. A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. granting the dispensation is in the interests of persons living in the Parish Council's area; or**
 - iii. it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a. Upon notification by Winchester City Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Parish Council's code of conduct, the Proper Officer shall, subject to standing Order 11, report this to the Parish Council.
- b. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Parish Council of this fact, and the Chair shall nominate another staff member, a locum or a Parish Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Parish Council has agreed what action, if any, to take in accordance with standing order 14(d). Any Parish Councillor who undertakes the Proper Officer duties for this complaint will not be able to receive any remuneration.
- c. The Parish Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. Upon notification by Winchester City Council that a councillor or non-councillor with voting rights has breached the Parish 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), or a locum or a Parish Councillor nominated by the Parish Council to undertake the work of the Proper Officer when the Proper Officer is absent. Any Parish Councillor who undertakes the Proper Officer duties will not be able to receive any remuneration.

- 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 Parish Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least four days before the meeting confirming the withdrawal of it;
- iii. **convene a meeting of the Parish Council for the election of a new Chair of the Parish Council, occasioned by a casual vacancy in the chair's office;**
- iv. **facilitate inspection of minutes 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 Parish Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Parish Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Parish Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Parish Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Parish Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Parish Council and the Parish Council's response to the local planning authority;
- xv. refer a planning application received by the Parish Council to a member responsible for planning or in their absence the Chair of the Parish Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Parish Council;
- xvi. manage access to information about the Parish Council via the publication scheme.

16. RESPONSIBLE FINANCIAL OFFICER

- a The Parish Council shall appoint appropriate staff member(s), a locum or a Parish Councillor to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. Any Parish Councillor who undertakes the Responsible Financial Officer duties will not be able to receive any remuneration.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b. All payments by the Parish Council **shall be authorised, approved and paid in accordance with the law, proper practices and the** Parish Council's financial regulations.
- c. The Responsible Financial Officer shall supply to the members of the Finance and General Purposes Committee prior to each committee meeting a statement to summarise:
 - i. the Parish Council's aggregate receipts and payments for the year to date;
 - ii. the balances held for the year to date ;which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Parish Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Parish Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Parish Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Parish Council. The annual governance and accountability return of the Parish Council, which is subject to external audit, including the annual governance statement, shall be presented to the Parish Council for consideration and formal approval before 30 June.
In rare emergency circumstances (e.g. a national pandemic), and following advice by NALC/HALC, these dates might be delayed.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Parish Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Parish Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Parish Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are

- exempt from a tendering process or procurement exercise;
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
 - c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Parish Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
 - d. Subject to additional requirements in the financial regulations of the Parish Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Parish Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Parish Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Parish Council or a committee or sub-committee with delegated responsibility.
 - e. Neither the Parish Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contractor in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
 - g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of the Finance and General Purposes committee is subject to standing order 11.
- b. Subject to the Parish Council's policy regarding absences from work, the Parish Council's most senior

member of staff shall notify the chair of the Finance and General Purposes committee or, if the chair is not available, the vice-chair (if there is one) of the Finance and General Purposes committee of absence occasioned by illness or other reason and that person shall report such absence to the Finance and General Purposes committee at its next meeting.

- c. The chair of the Finance and General Purposes committee or in the chair's absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk (RFO). The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance and General Purposes committee
- d. Subject to the Parish Council's policy regarding the handling of grievance matters, the Parish Council's most senior member of staff (or other members of staff) shall contact the chair of the Finance and General Purposes committee or in the chair's absence, the vice-chair of the Finance and General Purposes committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance and General Purposes committee.
- e. Subject to the Parish Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk (RFO) relates to the chair or vice-chair of the Finance and General Purposes committee, this shall be communicated to another member of the Finance and General Purposes committee, which shall be reported back and progressed by resolution of the Finance and General Purposes committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a. **In accordance with freedom of information legislation, the Parish Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Parish Council.**
- b. *The council gross annual income or expenditure (whichever is the higher) does not meet the threshold for the transparency requirements for either Small Authorities or Local Government, therefore the council shall regard the regulations of* **the Local Government (Transparency Requirements) (England) Regulations 2015** *as best practice and endeavour to publish information according to the requirements of* **the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a. **The Parish Council may appoint a Data Protection Officer.**
- b. **The Parish Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c. **The Parish Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **The Parish 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 Parish 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 Parish Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

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

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a. A legal deed shall not be executed on behalf of the Parish Council unless authorised by a resolution.
- b. **Subject to standing order 23(a), any two councillors may sign, on behalf of the Parish Council, any deed required by law. The Proper Officer is required to witness the signing of the document.**

24. COMMUNICATING WITH WINCHESTER CITY AND HAMPSHIRE COUNTY COUNCILLORS

- a. An invitation to attend a meeting of the Parish Council shall be sent, together with the agenda, to the ward councillor(s) of the Winchester City Council and Hampshire County Council representing the area of the Parish Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to Winchester City Council and Hampshire County Council shall be sent to the ward councillor(s) representing the area of the Parish Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

26. STANDING ORDERS GENERALLY

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

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

Revision History

Table 1: Revision History

Version (major.minor)	Date	Author	Modifications made
Draft 0.1	27 Apr 20	LF	Draft taken directly from the NALC model with modifications as described in the introduction.
Draft 0.2	26 Jul 20	SB	Draft colour coded identifying areas for discussion.
Draft 0.3	07 Aug 20	LF	Revisions based on discussions with the Parish Council Chair, and feedback from HALC. Additional differences to the NALC model are described in the introduction.
Proposed 0.4	07 Sep 20	LF	Proposal document for review by the Finance and General Purposes Committee.
Proposed 0.5	01 Oct 20	LF	Accepted by Finance and General Purposes Committee. Minor changes for tender thresholds according to the revised (2020) NALC standing orders.
Approved 1.0	12 Oct 20	LF	Adopted at PC meeting on 12 th October 2020.
Draft 1.1	27 Jan 21	LF	Minor modifications to sections 5 and 12 for clarity, plus addition of information on Working Groups.
Approved 1.2	28 Apr 21	LF	Minor modification to section 3e to ask members of the public making representations to introduce themselves. Adopted at PC meeting on 4th May 2021.

Note: The revision number should be updated every time this document is modified, significant changes should result in the major number being updated, and any other minor changes should result in the minor number being updated.

Appendix 1: Notes on Committee structure and delegation to Committees

1. Legislation allows a Parish Council to delegate the performance of some, but not all of its statutory and legal responsibilities to a committee, a sub-committee, an officer or another local authority.
2. A Parish Council may therefore appoint committees to undertake work for and on behalf of the council.
3. A Parish Council may also appoint advisory committees which are not delegated to make decisions on behalf of the council, but to advise the council on any matters which relate to the performance of the council's functions.
4. A committee may appoint a sub-committee, if authorised to do so by the council. Sub-committees may either be advisory or have delegated powers. The appointing committee is responsible for defining the remit of the sub-committee, and the sub-committee must only be comprised of members of the appointing committee.

For more information on committees and sub-committees please refer to: -

- NALC Legal Topic Note 1 – Councils Powers to Discharge their Functions
- NALC Legal Topic Note 5 – Parish and Community Council Meetings