



**BISHOP'S WALTHAM PARISH  
COUNCIL  
STANDING ORDERS  
2019**

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## **INTRODUCTION**

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

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

## 2. DISORDERLY CONDUCT AT MEETINGS

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

## 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e (i) 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 and representations will normally be received at the time of the agenda item.  
  
(ii) Members of the public may also speak on general matters affecting the

parish.

There is no requirement for a response or answer from the Council at the meeting.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a 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 Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman**



**and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a 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) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

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

- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.

- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 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 2.5 hours.
- y Should any speech contain offensive expressions or impute motives in reference to any member, then the councillor, councillor with voting-rights or member of the public shall be asked to withdraw his statement, or in the case of a refusal, be requested to withdraw from the meeting by the chairman of the meeting.
- z A chairman of a meeting can move that any Councillor/officer is to leave the meeting if their standard of dress is deemed to be inappropriate (smart/casual is the normal requirement) or if it is believed that they are under the influence of alcohol or any inappropriate substance.
- aa Mobile phones are to be switched to silent at all meetings.
- bb Duration of all presentations at meetings to be at the discretion of the chairman of that meeting.
- cc Councillors appointed to represent Bishop's Waltham Parish Council at meetings with other organisations, both formal and informal, must provide a written report within 14 days of the meeting taking place, to the appropriate committee.

#### 4. **COMMITTEES, SUB-COMMITTEES & WORKING GROUPS**

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

- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
  - vi. shall permit a standing committee, committee or working group to appoint its own chairman at the first meeting of the committee;
  - vii. 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;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee or a sub-committee.
- e. A Councillor may be Chairman of only one standing committee.
  - f. The members of a previously determined sub-committee or working group shall be appointed at the first meeting of the appropriate committee following the Council's annual meeting.
  - g. The Chairman of all sub-committees, working groups and advisory groups must provide a written report of its activities/decisions to its Standing Committee within 14 days of any meeting.

## 5. **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.** No member of the Council may be appointed as Chairman for more than three consecutive years.
- 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 there is one, 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 annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business 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 existing committees;
  - vii. 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;
  - viii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- k The following business may be included:
- i) Review of the terms of reference for committees;
  - ii) Appointment of any new committees in accordance with standing order 4;
  - iii) Review and adoption of appropriate standing orders and financial regulations;
  - iv) Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
  - v) Review of representation on or work with external bodies and arrangements for reporting back;
  - vi) Review of inventory of land and other assets including buildings and office equipment;
  - vii) Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - viii) Review of the Council's and/or staff subscriptions to other bodies;
  - ix) Review of the Council's complaints procedure;
  - x) Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
  - xi) Review of the Council's policy for dealing with the press/media;
  - xii) Review of the Council's employment policies and procedures;
  - xiii) Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

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

- a **The Chairman of the Council may convene an extraordinary meeting of**

**the Council at any time.**

- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## 7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 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 and only if the Proper Officer believes that there have been significant changes to the issues discussed at the time of the original resolution,
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## 8. **VOTING ON APPOINTMENTS**

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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 or working group and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## 11. **MANAGEMENT OF INFORMATION**

*See also standing order 20.*

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

## 12. DRAFT MINUTES

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

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

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the 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 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 if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the 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).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the Executive Officer 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 (or other delegated officer) shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in 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. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council OR the Planning Committee.
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. 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 shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

**17. ACCOUNTS AND ACCOUNTING STATEMENTS**

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

practicable after the end of each calendar month in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each month;
- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- iii. the balances held at the end of the quarter being reported and

which includes a comparison with the approved budgets for the month and year to date, and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's income and expenditure for the last month and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, (income and expenditure) for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised 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 Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or**



**other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

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

**19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Finance, Policy & Resources Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Finance, Policy & Resources committee or, if he is not available, the vice-chairman (if there is one) of the Finance, Policy & Resources committee of any long term absence occasioned by illness or other reason and that person shall report such absence to the Finance, Policy & Resources committee at its next meeting.
- c The chairman of the Finance, Policy & Resources committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Executive Officer, the Deputy Executive Officer and the RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance, Policy & Resources Committee.
- d All other reviews of the performance and annual appraisals of the work will be undertaken by the relevant line managers. The reviews and appraisals shall be reported in writing and are subject to approval by resolution by the Finance, Policy & Resources Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Finance, Policy & Resources committee or in his absence, the vice-chairman of the Finance, Policy & Resources committee in respect of an informal or formal grievance matter, and this matter shall be reported back and

progressed by resolution of the Finance, Policy & Resources committee.

- f Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Executive Officer relates to the chairman or vice-chairman of the Finance, Policy & Resources committee, this shall be communicated to another member of the Finance, Policy & Resources committee, which shall be reported back and progressed by resolution of the Finance, Policy & Resources committee.
- g 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.
- h In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(g).
- i 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.
- j 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.
- k The appointment of the Proper Officer and the Responsible Financial Officer shall be the responsibility of the Council following recommendation from the Staffing Sub-Committee.
- l The appointment of other members of staff shall be the responsibility of the Proper Officer and Chairman of the Council in consultation with the Chairman of the appropriate committee.

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

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

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**  
(Below is not an exclusive list).

*See also standing order 11.*

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning 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**

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

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

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

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

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

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

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no councillor shall:
  - i inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii issue orders, instructions or directions.
- b Councillors appointed to represent Bishop's Waltham Parish Council at site meetings, both formal and informal, must only reflect approved views of the Parish Council and not express their own personal opinions.
- c Any Councillor wishing to resign from the Parish Council, one of its Committees, or as a Parish Council appointment as a representative on an outside body, should provide a written explanation of their reasons for resigning.

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- e A councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting.

# **APPENDIX A**

# **TERMS OF** **REFERENCE OF** **COMMITTEES**

Approved January 2020

## **FINANCE, POLICY AND RESOURCES COMMITTEE – STANDING COMMITTEE.**

This committee will normally meet monthly on the first Tuesday of the month (except for August).

MEMBERSHIP will be (but not exclusively):

Chairman of the Parish Council, Vice Chairman of the Parish Council, Chairmen of all Standing Committees.

This Committee shall:

- Receive and deal with any special references from the Council
- Be responsible for an overview of the financial, manpower and land resources of the Council. This shall include arrangements for the authorised acquisition, allocation, disposal, inventory and insurance of any land, buildings or substantial property and for provision of capital equipment.
- Be responsible for the annual stock check of the Council physical assets, reconcile to the current Asset Register and investigate any differences.
- Be responsible for advising the Council on arrangements for insurance cover in respect of all insured risks.
- Take urgent action in the interest of the Council where time precludes normal Council or Committee consideration of a particular matter.
- Ensure compliance with Health & Safety Regulations for Council employees and all Contractors and Hirers.
- Appoint a member and/or members or other suitable person to represent the parishioners of parts or the whole of the parish at any public or other inquiry by a Ministry or other public body under any act relating to development control or any other aspect of the Council's responsibilities.
- Monitor, regularly, the budgets of the Council's Committees against performance and take any necessary action.
- Incur Revenue expenditures on behalf of the Council, which are not the responsibility of other Standing Committees, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Incur Capital expenditures on behalf of the Council up to a maximum of £10,000 relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Recommend Revenue and Capital expenditures on behalf of the Council, relating to the facilities described above, and above the itemised authorised budgetary limits as agreed annually, by the Council (including unbudgeted expenditures).
- Be responsible for the recruitment/selection and duty of care of personnel.

- Be responsible for agreeing the terms and conditions of employment of staff and the issue of any contracts of employment.
- Review the effectiveness of the organisational and administrative processes of the Council. To monitor the staff requirements needed to undertake the duties and work within the Parish by regularly undertaking appraisals with every member of staff.
- Advise, support, encourage, help, provide and give the Parish Council Staff at all levels of employment the opportunity to express their interests, concerns, difficulties and training needs to ensure the smooth running of work requirements and working conditions within the Parish.
- Offer a grievance procedure to any member of staff in the event of any problems or difficulties arising between line management, supervisory or any level of management within the Parish Council. No member is permitted to be present when a complaint against them is being discussed.
- Regularly review all procedures including Standing Orders.
- Regularly review and update policies including health & safety, risk assessments, etc.
- Review all annual contracts once a year relevant to the Committee.
- Make recommendations as necessary to the Council for changes in Committee structure, alterations to Standing Orders, administrative, financial and executive arrangements of the Council.
- Consider the recommendations of the Committees when recommending the Annual budget and precept to the Council including the use of Council reserves
- To provide relevant guidelines to the Committees for use during the budget setting process i.e. rate of inflation etc
- Guide the Council in the formulation of policy objectives and recommend such provision in the annual budget as necessary.
- Be responsible for considering and recommending grant applications to the Council.
- Approve charges for the use of facilities and the hire of staff provided by the Council.
- Arrange additional meetings as required to progress business of the Committee.
- Make recommendations on the above matters upon which the Council can base decisions.
- Appoint sub-committees, in accordance with standing order 4 to assist in resolving/managing ongoing specific issues relevant to the standing committee's responsibilities.



- Appoint working parties in accordance with standing order 4 to assist in resolving/managing a single issue relevant to the standing committee's responsibilities.
- Appoint advisory groups in accordance with standing order 4 to provide information/advice to assist the standing committee with resolving/managing any issues relevant to its responsibilities.
- Be responsible for identifying possible uses of, and applying for, Community Infrastructure Levy Funding (CIL) to fund approved Capital Projects.

## **HALLS AND GROUNDS COMMITTEE – STANDING COMMITTEE**

This Committee will normally meet monthly on the 3<sup>rd</sup> Tuesday in the month (except for August).

MEMBERSHIP will be:

Parish Councillors as elected by the Parish Council.

Ex-officio (non-voting) members as recommended by the committee and subsequently appointed by the Parish Council.

This committee shall:

- Be responsible for the management and upkeep of all parish owned buildings, their access roads as appropriate and associated car parking facilities.
- Be responsible for managing the repair and maintenance of the facilities described above.
- Be responsible for managing sports and recreation grounds, public open space, allotments, amenity land and connected uses.
- Be responsible for the creation of, and compliance with, an Annual Maintenance Plan relating to the facilities described above, including all statutory requirements and testing.
- Be responsible for ensuring the repair and maintenance of any other equipment used to provide an amenity, and any equipment used for the maintenance of such structures and equipment, and for the maintenance of sports pitches, recreation grounds and public open spaces.
- Recommend hire charges for the facilities within the control of this Committee to the Finance, Policy and Resources Committee.
- Deal with any matters regarding environmental issues relating to the Council's halls and grounds facilities.
- Formulate and submit proposals to the Finance, Policy and Resources Committee in respect of income, revenue and capital, including the use of earmarked reserves and other sources of funding, for the following financial year not later than the end of October each year.
- Incur Revenue expenditures on behalf of the Council, relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Incur Capital expenditures on behalf of the Council up to a maximum of £10,000 relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Recommend Revenue and Capital expenditures on behalf of the Council, relating to the facilities described above, and above the itemised authorised budgetary limits as agreed annually, by the Council (including unbudgeted expenditures).

- Be responsible for identifying possible uses of, and applying for Open Space Funding and CIL funding to fund approved Capital Projects.
- Recommend Capital expenditures on behalf of the Council relating to the facilities described above to the Council.
- Arrange additional meetings as required to progress business of the Committee.
- Make recommendations on the above matters upon which the Council can base decisions.
- Appoint sub-committees, in accordance with standing order 4 to assist in resolving/managing ongoing specific issues relevant to the standing committee's responsibilities.
- Appoint working parties in accordance with standing order 4 to assist in resolving/managing a single issue relevant to the standing committee's responsibilities.
- Appoint advisory groups in accordance with standing order 4 to provide information/advice to assist the standing committee with resolving/managing any issues relevant to its responsibilities.
- Review all annual contracts once a year relevant to the Committee.

## **COMMUNITY DEVELOPMENT COMMITTEE – STANDING COMMITTEE**

This Committee will normally meet monthly on the 3<sup>rd</sup> Monday in the month (bi-monthly) (except for August).

MEMBERSHIP will be:

Parish Councillors as elected by the Parish Council.

Ex-officio (non-voting) members as recommended by the committee and subsequently appointed by the Parish Council.

This committee shall:

- Be responsible for the promotion of the parish to parishioners and visitors.
- Liaise with local business groups to encourage and support the enhancement and maintenance of the economic viability of the town.
- Liaise with any body, organisation or department of any local authority to assist in the promotion of the parish.
- Liaise with all relevant organisations to support the arrangement of local events.
- Deal with any matters relating to the environment of the parish.
- Be responsible for liaison with the youth organisations in the parish.
- Organise any meetings of the Bishop's Waltham Association of Community Organisations.
- Formulate and submit proposals to the Finance, Policy and Resources Committee in respect of income, revenue and capital, including the use of earmarked reserves and other sources of funding, for the following financial year not later than the end of October each year.
- Incur Revenue expenditures on behalf of the Council, relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Incur Capital expenditures on behalf of the Council up to a maximum of £10,000 relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Recommend Revenue and Capital expenditures on behalf of the Council, relating to the facilities described above, and above the itemised authorised budgetary limits as agreed annually, by the Council (including unbudgeted expenditures).
- Arrange additional meetings as required to progress business of the Committee.
- Make recommendations on the above matters upon which the Council can base decisions.

- In conjunction with the relevant Committees be responsible for the marketing of all Parish Council facilities.
- Be responsible for the Parish Council's website and newsletter.
- Appoint sub-committees, in accordance with standing order 4 to assist in resolving/managing ongoing specific issues relevant to the standing committee's responsibilities.
- Appoint working parties in accordance with standing order 4 to assist in resolving/managing a single issue relevant to the standing committee's responsibilities.
- Appoint advisory groups in accordance with standing order 4 to provide information/advice to assist the standing committee with resolving/managing any issues relevant to its responsibilities.
- Be responsible for the Parish Council's social media.
- Organise public events on behalf of the Parish Council.
- Liaise with all organisations on behalf of the Parish Council organising Community events.
- Appoint a Committee member to represent the Parish Council at the Chamber of Trade Committee meetings.
- Appoint two Committee members to represent the Parish Council at the Town Team Committee meetings.
- Appoint a Committee member to represent the Parish Council on the Bishop's Waltham Museum Trust.
- Review all annual contracts once a year relevant to the Committee.

## **PLANNING AND HIGHWAYS COMMITTEE – STANDING COMMITTEE**

This Committee will normally meet monthly on the 4<sup>th</sup> Tuesday in the month (except for August).

MEMBERSHIP will be:

Parish Councillors as elected by the Parish Council.

Ex-officio (non-voting) members as recommended by the committee and subsequently appointed by the Parish Council.

This committee shall:

- Advise the Council of all action required to be taken with local planning, highway and associated authorities and utility boards on matters relating to local and district highways, road safety, utility services and similar matters affecting the parish.
- Have a standing responsibility to examine all planning applications and appeals affecting the parish and to recommend the Parish Council response. These responses to be referred to the full Council for ratification.
- At the discretion of the Committee, and after a full debate, refer any major development, or contentious, planning issues to the Parish Council as is considered necessary.
- Publicise all details of meetings called to consider planning applications including any sub-committee meetings.
- Be responsible for the provision, repair and maintenance of street furniture installed on non-Parish Council land.
- Be responsible for public rights of way.
- Be responsible for the management of the Parish Council's lengthsman.
- Deal with all matters relating to public transport in the parish.
- Incur Revenue expenditures on behalf of the Council, relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Incur Capital expenditures on behalf of the Council up to a maximum of £10,000 relating to the facilities described above, and within the itemised authorised budgetary limits as agreed annually, by the Council.
- Recommend Revenue and Capital expenditures on behalf of the Council, relating to the facilities described above, and above the itemised authorised budgetary limits as agreed annually, by the Council (including unbudgeted expenditures).
- Be empowered to liaise with any body, organisation or department of any local authority or utility board on any matter within the Committee's area of responsibility. The Committee may empower a committee member or members to liaise on their behalf.

- Monitor the application and effectiveness of Tree Preservation Orders in the Parish and make appropriate recommendations in this connection to the responsible authority.
- Arrange additional meetings as required to progress business of the Committee.
- Formulate and submit proposals to the Finance, Policy and Resources Committee in respect of income, revenue and capital, including the use of earmarked reserves and other sources of funding, for the following financial year not later than the end of October each year.
- Make recommendations on the above matters upon which the Council can base decisions.
- Appoint sub-committees, in accordance with standing order 4 to assist in resolving/managing ongoing specific issues relevant to the standing committee's responsibilities.
- Appoint working parties in accordance with standing order 4 to assist in resolving/managing a single issue relevant to the standing committee's responsibilities.
- Appoint advisory groups in accordance with standing order 4 to provide information/advice to assist the standing committee with resolving/managing any issues relevant to its responsibilities.
- Review all annual contracts once a year relevant to the Committee.

# **APPENDIX B**

# **COMPLAINTS** **PROCEDURE**



## **COMPLAINTS PROCEDURE**

Any complaint about a procedure or administration notified to the Executive Officer or a Councillor should be dealt with as under.

1. The complainant shall be asked if he wishes to make an official, formal complaint which will be actioned in accordance with the Parish Council's Complaints procedure.
2. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Executive Officer or other nominated proper officer.
3. If the complainant does not wish to put the complaint to the Executive Officer or other proper officer, they may be advised to put it to the Chairman of the Council.
4. Complaints about the conduct of councillors should be put to the Standards Committee of the District Council.
5. On receipt of a written complaint, the Executive Officer or Chairman shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant.
6. The Chairman or Executive Officer shall bring any written complaint which cannot be settled, to the next meeting of the Council.
7. The Executive Officer shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.

Before the meeting:

8. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
9. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the meeting:

10. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
11. Chairman to introduce everyone.
12. Chairman to explain procedure.
13. Complainant (or representative) to outline cause for complaint.
14. Members to ask any question of the complainant

15. If relevant, Executive Officer or other proper officer to explain the council's position.

16. Members to ask any question of the Executive Officer or other proper officer.

17. Executive Officer or other proper officer and complainant to be offered opportunity of last word (in this order).

18. Complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, complainant to be invited back).

19. Complainant returns to hear decision and details of any action to be taken or to be advised when decision will be made.

### **After the Meeting**

20. Decision confirmed in writing within seven working days together with details of any action to be taken.

# **APPENDIX C**

## **THE CODE**

## **BISHOP'S WALTHAM PARISH COUNCIL**

### **CODE OF CONDUCT FOR MEMBERS**

#### **Part 1: General Provisions and Interpretation**

##### **1. Introduction**

This Code of Conduct is adopted by the Bishop's Waltham Parish Council pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. This Code applies to all Members and Co-opted Members of the Council.

This Code is based on and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as referred to in the Localism Act 2011.

In the interests of transparency and openness, and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members' Interests is published on the Winchester City Council's website, and on the Town/Parish Council's website through a link to the City Council website. It is also available for public inspection at the City Council's offices at all reasonable hours or through arrangement with the Executive Officer.

##### **2. Scope**

This Code applies to all Members and Co-opted Members of the Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the Council. References in this Code to "Member" shall also be interpreted to include co-opted Member.

Where a Member is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by this Code of Conduct.

##### **3. General obligations of Members and Co-opted Members**

As a Member of the Town/Parish Council, your conduct will address the principles of the Code of Conduct by:

- 3.1 Representing the needs of residents, and putting their interests first.
- 3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of the Town/Parish Council and visitors fairly, appropriately and impartially.
- 3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Council's area, or the good governance of the Council in a proper manner.
- 3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- 3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the Council, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally.

- 3.7 Contributing to making the Council's decision-making processes as open and transparent as possible.
- 3.8 Restricting access to information when the wider public interest, the Council's Constitution (or Standing Orders), or the law requires it.
- 3.9 Behaving in accordance with all the Council's legal obligations, alongside any requirements contained in the Council's policies, protocols and procedures relating to conduct.
- 3.10 Ensuring that when using or authorising the use by others of the resources of the Council that such resources are not used improperly for political purposes.
- 3.11 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.
- 3.12 Not knowingly doing anything which might cause the Council to breach any legislation.
- 3.13 Valuing your colleagues and Officers of the Council and engaging with them in an appropriate manner.
- 3.14 Always treating all people and organisations with respect and propriety.
- 3.15 Providing leadership through behaving in accordance with these principles.

## **Part 2: Disclosable Pecuniary Interests**

### **1. Introduction**

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

### **2. Interpretation**

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;
- 2.2 'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- 2.5 'M' means a member of a relevant authority;

2.6 'member' includes a co-opted member;

2.7 'relevant authority' means the Town/Parish Council of which M is a member;

2.8 'relevant period' means the period of 12 months ending with the day on which M gives a notification of a disclosable pecuniary interest for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;

2.9 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### 3. Schedule of Disclosable Pecuniary Interests

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (along or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest

	exceeds one hundredth of the total issued share capital of that class.
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### **Part 3: Registration and Disclosure of Disclosable Pecuniary Interests**

#### **1. Obligations**

- 1.1 You must, within 28 days of taking office as a Member or Co-opted Member of the Council, notify the Winchester City Council Monitoring Officer (through the Executive Officer) of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 2 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 1.2 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest, or change thereto, notify the Winchester City Council Monitoring Officer (through the Executive Officer) of such new or changed interest.
- 1.3 If you have a disclosable pecuniary interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Council, its Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- 1.4 If a disclosable pecuniary interest has not been entered onto the Council's Register of Interests, then you must also disclose the interest to any meeting of the Council, its Committees (including joint committees and sub-committees) at which you are present where you have such an interest in any matter being considered. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. Following disclosure of a disclosable pecuniary interest not on the Council's Register or the subject of pending notification, you must notify the Winchester City Council Monitoring Officer (through the Executive Officer) of such interest within 28 days, beginning with the date of disclosure.
- 1.5 Unless a dispensation has been granted by the Parish Council, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must as soon as it becomes apparent that you have such an interest withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business.

### **Part 4: Registration of Gifts and Hospitality**

1. You must, within 28 days of receipt, notify the Winchester City Council Monitoring Officer (through the Executive Officer) of any gift or hospitality you receive, if such gift or hospitality has an estimated value of at least £50.

### **Part 5: Non-Pecuniary Interests – Personal and Prejudicial Interests**

1. Without prejudice to requirements contained at Part 3 of this Code in respect of the registration and disclosure of pecuniary interests, this Code requires that other non-pecuniary interests may still need to be declared and may affect participation in the business of the Council.
2. A declaration needs to be made in respect of personal interests for reasons of openness and transparency.

3. If that personal interest is also a prejudicial interest then there may be a conflict of interest which prevents the Member from participating in the decision.

4. For the avoidance of doubt, the statutory requirements in respect of disclosable pecuniary interests, take precedence and apply in place of the Council's additional requirements in the Code for personal and prejudicial interests.

## **Part 6: Personal interests**

1. You have a personal interest in the business of the Council when it relates to or is likely to affect:

1.1 any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.

1.2 any body

- (a) exercising functions of a public nature;
- (b) directed to charitable purposes; or
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management

1.3 any employment or business carried on by you other than for profit or gain;

1.4 any person or body who employs you, or who has appointed you, other than for profit or gain;

1.5 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;

2. You also have a personal interest in the business of the Council when a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a relevant person (as defined at paragraph 3) below, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward within the administrative area of the Council affected by the decision;

3. In Paragraph 2, a "relevant person" is:

3.1 your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or

3.2 another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or

3.3 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

3.4 any person or body in whom to the Member's knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000: or

3.5 any body of a type described in paragraph 1.1 or 1.2 above.

## **Part 7: Disclosure of Personal Interests**



1.1 Subject to paragraphs 1.2 and 1.3 below, where you have a personal interest in any business of the Council you must disclose this interest at any meeting of the Council, its Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.

1.2 Where you have a personal interest in any business of the Council which relates to or is likely to affect a person described in Part 6 paragraphs 1.1 or 1.2 (a) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

1.3 The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

## **Part 8: Prejudicial Interests**

### **1. Definition of Prejudicial Interest.**

Subject to paragraph 2 below, where you have a personal interest in any business of the Council, you also have a prejudicial interest in that business when the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

### **2. Limitation on extent of prejudicial interests**

2.1 You do not have a prejudicial interest in any business of the Council where that business does not affect your financial position, or the financial position of a body or relevant person as described in Part 6 of this Code; or

2.2 does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 6 of this Code; or

2.3 relates to the functions of the Council in respect of

(a) an allowance, payment or indemnity given to members;

(b) any ceremonial honour given to Members; and

(c) setting council tax or a precept under the Local Government Finance Act 1992.

## **Part 9: Effect of Prejudicial Interests on Participation**

1.1 Unless a dispensation has been granted by the Parish Council, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a prejudicial interest (as set out at Part 7 of this Code), and must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 2.2 below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business.

1.2 Without prejudice to paragraph 1.1 above, where you have a prejudicial interest in any business of the Council you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

1.3 For the avoidance of doubt the procedure in paragraph 2.2 above cannot be used by the member where the interest comes within the statutory definition of a disclosable pecuniary interest.

1.4 In any case where paragraph 1.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.

## **Part 10: Sensitive Information**

1.1 A sensitive interest is described in the Localism Act 2011 as a member or co-opted member of the Council having an interest, and the nature of the interest being such that the member or co-opted member, and Winchester City Council's Monitoring Officer, considers that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with them, being subject to violence and intimidation. Applications should be made through the Executive Officer.

1.2 A sensitive disclosable pecuniary interest or a change to such an interest need not be included on the Register of Members' Interests, but you may state that there is an interest the details of which are withheld under S32 Localism Act 2011.

1.3 Within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 1.2 is no longer sensitive information, you shall notify the Winchester City Council Monitoring Officer (through the Executive Officer) asking that the information be included in the Register of Members' Interests.

1.4 Any requirements in this Code for the declaration of an interest at meetings shall be met by not giving details of the sensitive interest but by stating that you have a disclosable pecuniary interest or a personal/prejudicial interest in the matter concerned.