BURSLEDON PARISH COUNCIL

Parish Council Office, The Lowford Centre, Portsmouth Road.
Bursledon Southampton SO31 8ES
Telephone 023 8040 7535 Website: bursledon-pc.gov.uk
Email: clerk@bursledon-pc.gov.uk

Agenda

Meeting of Full Council

Time and date: **7:00pm on Wednesday 15 May 2019**

Place: The Lowford Community Library, The Lowford Centre, Portsmouth Road, Bursledon, Southampton, Hampshire

Members of the public and press are welcome to attend in accordance with the Public Bodies (Admissions to Meetings) Act 1960

1	**Election of Chairperson** • To elect a Chairperson for the municipal year 2019/20. • The Chairperson will sign the declaration of office.
2	**Election of Vice Chairperson** • To elect a Vice Chairperson for the municipal year 2019/20. • The Vice Chairperson will sign the declaration of office
3	**Apologies** To receive and consider apologies for absence.
4 4.1 4.2	**Declarations of Interest** To receive from members, in respect of any items included on the agenda for this meeting, disclosures of any personal or pecuniary interests in line with the Bursledon Parish Council's Code of Conduct and gifts and hospitality in line with government legislation. **Declarations of Interest for District & County Councillors** District & County Councillors on the Council will make their comments and decisions based upon information available at the time of this meeting. It is accepted that District & County Councillors may come to different decisions in the light or more information being made at District or County Council Planning Meetings.
5	**Minutes** To approve the minutes of the Council meeting held on Wednesday 27 March 2019.
6 6.1 6.2	**Questions from the Public** The Chair will invite members of the public present if they would like to speak or ask any questions on any Local Government matter, not included on the agenda to which an answer will be given of if necessary a written reply will follow within 10 working days, or the questioner will be informed of the appropriate contact details. The Chair will invite members of the public present to indicate which item on the agenda if any, they would like to speak.
7	**Chair's Communications** To receive any communications from the Chair of the Council.

8	**Code of Conduct** To consider adopting amendments to the code of conduct based on the model code.
9	**Review of Standing Orders** To review and adopt the Councils Standing Orders including the amendments in line with the National Association of Councils New model Standing Orders and the recommendations of the Internal Auditor.
10	**Review of Financial Regulations** To review and adopt the Councils Financial Regulations including the amendments in line with the National Association of Councils model Financial Regulations and the recommendations of the Internal Auditor.
11	**Review of Scheme of Delegation** To review and consider adopting the Scheme of Delegation including amendments in line with the National Association of Councils model Standing Orders and Financial Regulations.
12	**Committee structure for 2019/20 and to appointment to the membership of the approved committees** • To agree the committee structure and confirm the committee terms of reference for 2019/20. • To appoint members to the relevant committees/ sub-committees or working groups • To appoint members to the position of Chair, Vice Chair of Lead Member of the agreed committees/ sub-committees or working groups.
13	**Appointment of Representatives to Outside Bodies** To consider and appoint Council representatives on other outside bodies.
14	**Calendar of Meetings for 2019/20** To confirm the calendar of meetings for 2019/20.
15	**Procedure for Co-option to fill Vacancies on the Council** To agree the procedure for the Co-option of Councillors
16	**IT & Email Policy** To consider and adopt an IT and email Policy for the Council.
17 17.1 17.2 17.3	**Planning Applications** **Application No:** H/19/85388 **Site Address:**13 BRIDGE CLOSE, BURSLEDON, SOUTHAMPTON, SO31 8AN Description: Single storey rear extension, following demolition of conservatory, extending pitched roof over new and existing rear extensions raising the ridge height to provide first floor accommodation with 6 no. roof lights. **Application No**: X/19/85436 **Site Address**: FAIRPORT HOUSE, LANDS END ROAD, BURSLEDON, SOUTHAMPTON, SO31 8DN **Description**: Removal of condition 2 and variation of condition 7 of application C/16/78768 to allow retention of partial change of use of ground floor of existing outbuilding to B1(a) office use. **Application No**: H/19/85466 **Site Address**: NEWPORT, BRIDGE ROAD, BURSLEDON, SOUTHAMPTON, SO31 8AL **Description**: Construction of an attached side garage to replace an existing detached outbuilding.
18	**The Chair will close the meeting**

Bursledon Parish Council	
Minutes of the Full Council Meeting	
Minutes of the meeting of Bursledon Parish Council held on Wednesday 27 March 2019 at 7.00 pm in Lowford Community Library, The Lowford Centre, Portsmouth Road, Bursledon.	
Members: Cllr J Rich (Chair)+ Cllr M Garrett (Vice Chair) + Cllr F Burgess* Cllr T Craig* Cllr A Dew #	 Cllr S Hartley# Cllr S Holes+ Cllr K House+ (Arrived at 19.35) Cllr J O'Sullivan+ Cllr M Penn+ (Arrived at 19.04) Cllr B Simon Hart*
Note: + = Attended, * = Apologies, #= Absent and no apology received.	
Also, Attended Officers of the Council R Potter (Parish Clerk) J Lennon (Administrator) Members of the public: 0	
FC/19/126	**Apologies for Absence** Apologies for absence were received and accepted from Cllrs F Burgess and T Craig.
FC/19/127	**Declarations of Interest** Cllr M Penn declared an interest in agenda item 15 as the Parish Council representative on the board of the BDCA.
FC/19/128	**Minutes of Previous Meeting.** The minutes of the full Council Meeting held on Wednesday 30 January 2019 were received and signed as a correct record.
FC/19/129	**Questions from the Public** There were no questions by the public.
FC/19/130	**Chairs Communications** The Chair informed the meeting that Cllr D Andrewes had resigned from the Council and all associated duties as of Monday 25th March 2019. The Chair also extended an invitation to all Councillors from Long Oak Preschool to attend their Easter Egg-stravaganza on Saturday 30th March at the Pilands Wood Centre.
19.04	Cllr Penn arrived

FC/19/131	**Planning Applications** **Application No: F/19/85057** Site Address: The site of the proposed pontoon installation is on the west side of the River Hamble between piles U13 and U14. This is opposite Premier Marina and near Lands' End Road hard., Description: Installation of 1no. floating pontoon between piles U13 and U14 **Resolved: DO NOT OBJECT**
FC/19/132	**Financial Risk Assessment** Members received and adopted a report from the Parish Clerk on the Parish Council Financial Risk Assessment. **Resolved:** • **That the Financial Risk Assessments was noted.** • **That the recommendations and actions identified in the Risk Assessment be adopted**
FC/19/133	**Internal Auditors Report** Members received the Interim Internal Auditors Report for 2018/19 **Resolved:** • **That the recommendations within the report be taken to the new Council for consideration**.
FC/19/134	**Fees and Charges** Members considered the fees and charges for 2019/20
19.35	Cllr House arrived
	Resolved: • **That the new charges be adopted from 1 April 2019.** • **That the allotment charges be amended and increased from 34p per sqm to 35p per sqm** • **That the age limit for child burials should be considered by the new Council at a later meeting.**
FC/19/135	**Finance Reports** Members noted the financial budget report and cash book summary at 28 February 2019, together with the schedule of bank payments for February 2019. **Resolved:** • **That the above reports be noted.** • **That the schedule of payments for February be approved**

	• **To transfer the balance of the General Reserve over the recommended minimum balance be transferred from the Council's General Reserves to Earmarked Reserves** • **That the budget for projects not completed during the years should be rolled over to the next financial year.**
FC/19/136	**Quotes for Play areas** The Council considered a report for the awarding of a contract for the refurbishment of the Councils Play areas in Long Lane Recreation Ground, Woodlands Way and Pilands Wood Open Space. The Clerk advised Members that they would have to agree to set aside financial regulations and standing orders, as only two contractors had submitted quotes. **Resolved:** • **To set aside financial regulations and standing orders and to consider the two quotes received.** • **To award the contract to Wicksteed Leisure.** .
FC/19/137	**Council Meeting Dates 2019/20** Members noted the draft calendar of Council meetings for 2019/2020.
FC/19/138	**Parish Clerks Management Report** Council received and noted the Parish Clerks Management Report including confirmation that the King George IV playing field will transfer to Bursledon Parish Council as of Monday 1st April l2019.
FC/19/139	Members agreed to exclude the press and public and to consider exempt business Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) "that as publicity would be prejudicial to the public interest because of the Confidential nature of the business about to be transacted at Agenda Items 15 & 16 regarding the variations to the lease with the BDCA and the approval of staff salaries
FC/19/140	**BDCA Lease** The Council considered a report outlining suggested changes to the lease between the BDCA and Bursledon Parish Council. **Resolved:** • **That the Parish Clerk should take further advise from the Councils solicitors regarding the technicalities associated with charges and the matter be returned to Council for further consideration.**

FC/19/141	**Staff Salaries** The Council received and noted a report on staff salaries for 2019/20. **Resolved** • **The report was noted** • **That the new salaries for 2019/20 were approved and should be implemented from 1 April 2019.**
FC/19/142	The Meeting closed at 20.38.

Report to Full Council

Report of: Roland Potter (Parish Clerk)

Title: Review of Standing Orders

Author: Roland Potter		**Presented:** Chair of Full Council
Produced for Full Council		**Date of Report:** 07 May 2019
1	**Summary of Key Issues** • To consider amendments to Council Standing orders. • To adopt the revised Standing Orders.	
2	**INTRODUCTION** **HOW TO USE MODEL STANDING ORDERS** Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them. Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders. **DRAFTING NOTES** Model standing orders that are in **bold type** contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements, so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils. For convenience, the word "councillor" is used in model standing orders and, unless	

	the context suggests otherwise, includes a non-councillor with or without voting rights.
3	**Amendments to Standing Orders -alterations compared to previous document.** **Standing Order 17- Paragraph e to k-** has been amended to reflect changes approved by Council on 25 September 2018 to reflect guidance from NALC and the SLCC after a recent judicial review. **Standing Order 22 –** references to Finance and Administration and Staffing Sub Committee have been changed to the relevant committee to make the Standing Orders more flexible.
4	**Legal, Policy and Risk Issues** The Council are required to review their Standing Orders annually
5	**Financial Implications** There are no Financial Implications.

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BURSLEDON PARISH COUNCIL

Standing Orders

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The Lowford Centre,
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Bursledon Parish Council		
Standing Orders		
Control Document		
Summary	Rules for the management of the council, members and officers	
Target Audience	Council Staff, Councillors and public	
Next Review date	May 2020	
Approved & Ratified by:		
Date of Issue	07 May 2019	
Author	Parish Clerk	
Sponsor	Chair of Bursledon Parish Council	
File Reference	BPC/ Shared Documents/Shared/P6/ Co-Option of Councillors V3.1	
Action	**Date**	**Actions/ Alterations**
Policy created	23 May 2018	Policy developed and for consideration by Council in line with national guide lines.
Reviewed	02 May 2019	Section 17: Code of conduct paragraph e to k added as a result of Council report 25/9/18 based on guidance from NALC & SLCC after the Ledbury Town Council judicial review. Section 22: Replaced the reference to the F & A and Staffing Sub Committee for the term relevant committee.
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		

1. RULES OF DEBATE AT MEETINGS

a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.

h A councillor may move an amendment to 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 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 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 Chair 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 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 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 Chair of the meeting.

2 DISORDERLY CONDUCT AT MEETINGS

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3 MEETINGS GENERALLY

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

● a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

● b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

● c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

f The period designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the Chair of the meeting.

g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.

h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

i A person shall raise his hand when requesting to speak.

j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.

k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.

l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).

p The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.

r The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

See standing orders 6(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave 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 hours.

3. COMMITTEES AND SUB-COMMITTEES

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

i. The Council may appoint standing committees or other committees as may be necessary, and:

ii. shall determine their terms of reference;

iii. 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;

iv. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its

meetings;

v. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

vi. 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 2 days before the meeting that they are unable to attend;

vii. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;

viii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;

ix. 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; with a minimum of three councillors

x. shall determine if the public may participate at a meeting of a committee;

xi. 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;

xii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

xiii. may dissolve a committee or a sub-committee.

xiv. The Council Chair or Vice- Chair and the Chairmen of Standing Committees shall have the right to attend and contribute to a debate at any committee or subcommittee which they are not already a member. In this 'ex-officio' capacity they shall have no voting rights or the ability to propose motions, neither shall they for part of the quorum.

xv. The membership of Committees and should reflect the political composition of the Council. Any changes will be dealt with by the Council.

xvi. Urgent action taken by the Responsible Officer in consultation with the appropriate Chair will be reported to the next meeting of the relevant Committee or the Council.

4. WORKING GROUPS (PARTIES)

a The Council, Committee or Sub- Committee may appoint Working Groups comprised of councillors and non- councillors.

b Working Groups may consist of only non-councillors.

c The names, number of members and any organisations invited to attend shall be specified by the Council or committee.

d Working Groups cannot have any power to exercise on behalf of the council, any authority, nor to incur expenditure, nor issue instructions to any officer likely, in the opinion of the officer, to incur expense or to use excessive time without the prior authority of the council, committee or sub -committee.

e Working Groups will meet at a time and location agreed my its members.

f The Working Group will appoint a Chair and vice Chair.

g The Working Group will be responsible for making notes of the meeting and ensuring that a copy is provided to the Proper Officer.

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 Chair and Vice-Chair (if there is one) of the Council.

f The Chair of the Council, unless they have 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-Chair of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**

h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**

i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of 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. Review of the terms of reference for committees;

vii. Appointment of members to existing committees;

viii. Appointment of any new committees in accordance with standing order 4;

ix. Review and adoption of appropriate standing orders and financial

regulations;

x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.

xi. Review of representation on or work with external bodies and arrangements for reporting back;

xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;

xiii. Review of inventory of land and other assets including buildings and office equipment;

xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;

xv. Review of the Council's and/or staff subscriptions to other bodies;

xvi. Review of the Council's complaints procedure;

xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 14, 23 and 24*);

xviii. Review of the Council's policy for dealing with the press/media;

xix. Review of the Council's employment policies and procedures;

xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

b **If the Chair of the Council does not call an extraordinary meeting of the**

Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

c The Chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

d If the Chair of a committee or a sub-committee does not call an extraordinary meeting within 14 days of having been requested to do so by 3 members of the committee or the sub-committee, any 3 members of the committee or the sub-committee] may convene an extraordinary meeting of the committee or a sub-committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by all three councillors.

e If a person or persons decide to call an extraordinary meeting, the Responsible Officer must be informed of that decision with a clear description of the important business. The Responsible Officer will then make sure that the notices and summons giving three clear working days' notice of the meeting is published.

f An extraordinary meeting called with less than one month's notice will usually be held at the Council Offices, Lowford Centre, Bursledon.

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 7 councillors to be given to the Proper Officer in accordance with standing order 10, 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 8(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

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

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

a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 8 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 10(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 10(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 8 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.

i If a motion or recommendation comes under the Terms of Reference of a Committee or Sub Committee of the Council, it will, once it has been proposed and seconded, be referred without discussion to a Committee or Sub Committee by the Council for report: provided that the Chair of the Committee or Sub-Committee agrees.

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. ITEMS INCLUDED ON AGENDAS

h All requests for items to be included on the agenda should be submitted to the Proper Officer.

i The Proper Officer will determine whether the request is appropriate by considering the Councils legal duties and obligations

j All requests must be submitted in writing 8 clear working days before any meeting date to ensure that an informed report can be prepared if required and within the legal time frame for the publication of the agenda

k The Proper Officer will determine the appropriate committee to consider

the request in consultation with the relevant Chair.

l Each committee is responsible for developing its own work plan in consultation with the Proper Officer.

12. QUESTIONS

a A councillor may seek an answer to a question concerning any business of the Council provided 8 clear days' notice before meeting, the question has been given to the Proper Officer.

b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

c Every question shall be put and answered without discussion.

13. MANAGEMENT OF INFORMATION

See also standing order 23.

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 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.

c **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

14. 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 11(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, he 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 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 15(e) and standing order 23(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.

15. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest.

c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest, if so, required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which 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 16(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.

h **A dispensation may be granted in accordance with standing order 16(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.

16. CODE OF CONDUCT COMPLAINTS

a Upon notification by the Borough 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 14, report this to the Council.

b Where the notification in standing order 17(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 17(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.**

e Where a complaint relates to the conduct of a councillor and falls into the provisions of the Council's Code of Conduct, the council can and should attempt to resolve it informally.

f If the informal route fail's the complaint must be passed to the Principal Authority.

g Any sanctions can only be imposed after the finding of a breach of the code and must not go beyond those proposed by the Principal Authority.

h Any complaint about a councillor's conduct should be regarded as a Code of Conduct complaint even if the complaint is raised by an employee and it is raised as a grievance.

i Where a complaint falls outside the Code of Conduct, the council must carry out or arrange a proper investigation. The procedure followed must identify the issues in full.

j The subject of the allegations must be provided with details of the allegation and evidence, so they can respond.

k Any measures taken by the employer must be proportionate and limited to the time required to stop the issue recurring.

17. PROPER OFFICER

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee** or a sub-committee**,**

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

ii. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least 2 working days before the meeting confirming his withdrawal of it;

iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in 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;

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 26);*

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;

xv. refer a planning application received by the Council to the Chair or in his absence the Vice-Chair (if there is one) of the Council OR Chair or in his absence Vice-Chair (if there is one) of the Planning and Highways Committee 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 Planning & Highways 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.
(s*ee also standing order 26).*

18. 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.

19. ACCOUNTS AND ACCOUNTING STATEMENTS

a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

i. the Council's receipts and payments (or income and expenditure) for each quarter;

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 budget for the financial year and highlights any actual or potential overspends.

d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

i. each councillor with a statement summarising the Council's income and expenditure for the last quarter and the year to date for information; and

ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council income and expenditure for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 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.

20. 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 21(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.**

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 or working group 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.**

21. HANDLING STAFF MATTERS

a A matter personal to a member of staff that is being considered by a meeting of Council relevant-committee is subject to standing order 14.

b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the relevant committee or, if they are not available, the vice-Chair (if there is one) of the relevant committee, of absence occasioned by illness or other reason and that person shall report such absence to the relevant committee at its next meeting.

c The Chair of Council and the Chair of the relevant committee or in their absence, the vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk. The review and appraisal shall be reported in writing and are subject to approval by resolution by the relevant committee or Council.

d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Council or the Chair of the relevant committee or in their absence, the vice-Chair of the Council or relevant committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the relevant committee

e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chair or vice-Chair of the Council, Committee, Sub-Committee or Working Group, this shall be communicated to the Proper Officer who will inform another member of the Council, Committee, Sub-Committee or Working Group, which shall be reported back and progressed by resolution of the Council or the relevant 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 Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders.

h In accordance with standing order 14(a), persons with line management responsibilities shall have access to staff records referred to in standing order 22(f).

22. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 24.

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. [*If gross annual income or expenditure (whichever is higher) does not exceed £25,000*] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

[*If gross annual income or expenditure (whichever is the higher) exceeds £200,000*] The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

23. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).
See also standing order 14.

a The Council shall 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.

24. 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.

25. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 18(b)(xii) and (xvii).

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

[Subject to standing order 26(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a Council without a common seal.

26. 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 Borough 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 Borough and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

27. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

a Canvassing councillors or the members of any committee, sub-committee or working group directly or indirectly, for appointment to or by the Council shall disqualify the candidate from any such appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

b A councillor or member of a committee, sub-committee or working group shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion: but nerveless, any such person may give a written testimonial od a candidate's ability, experience or character for submission to the Council with an application for appointment.

c This standing order shall also apply to tenders.

d Councillors are reminded to consider any interests under the Code of Conduct.

28. CONFIDENTIAL BUSINESS

a No member of the Council, Committee, sub-committee or working group shall disclose to any person, in any form, who is not a member of the

Council, Committee, sub-committee or working group, any business that is declared confidential by the Council.

b A councillor in breach of this standing order may be removed from any Council, Committee, sub-committee or working group by resolution of the Council

29. 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.

30. 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 3 councillors to be given to the Proper Officer in accordance with standing order 10.

c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Agenda Item 9
Bursledon Parish Council

Report to Full Council

Report of: Roland Potter (Parish Clerk)

Title: Review of Financial Regulations

Author: Roland Potter		**Presented:** Chair of Full Council
Produced for Full Council		**Date of Report:** 07 May 2019
1	**Summary of Key Issues** • To consider amendments to Council Financial Regulations	
2	**Amendments to Financial Regulations -alterations compared to previous document.** **Regulation 5.2-** Consider removing this regulation as it duplicates the Councils legal obligation to report all expenditure over £500, however the Council has chosen to set this at £250. **Regulation 5.7 –** The current limit for transfers between Council accounts is £10K. Council are requested to raise this to £75K if the transfer is between Council approved bank or investment accounts.	
3	**Legal, Policy and Risk Issues** The Council are required to review their Financial Regulations annually	
4	**Financial Implications** There are no Financial Implications.	

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BURSLEDON PARISH COUNCIL

Financial Regulations

Parish Council Office,
The Lowford Centre,
Portsmouth Road.
Bursledon
Southampton
SO31 8ES
Telephone 023 8040 7535
Email: clerk@bursledon-pc.gov.uk
Website: bursledon-pc.gov.uk

Bursledon Parish Council		
Standing Orders		
Control Document		
Summary	Regulations for the control of the Councils financial management	
Target Audience	Council Staff, Councillors and public	
Next Review date	May 2020	
Approved & Ratified by:		
Date of Issue	07 May 2019	
Author	Parish Clerk	
Sponsor	Chair of Bursledon Parish Council	
File Reference	BPC/ Shared Documents/Shared/P6/ Financial Regulations/V3.1	
Action	Date	Actions/ Alterations
Policy created	23 May 2018	Policy developed and for consideration by Council in line with national guide lines.
Reviewed	02 May 2019	5.2 'A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised' Consider removing as the council is required to report expenditure over £500 and has agreed to reduce this threshold to £250. 5.7 The limit for transfers between Council accounts is set at £10K and should be increased to £75K.
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		

BURSLEDON PARISH COUNCIL

FINANCIAL REGULATIONS [ENGLAND]

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These Financial Regulations were adopted by the Council at its Meeting held on 15 May 2019.

1. GENERAL

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders[1] and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective, and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Proper Officer has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;

- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations shall mean the regulations issued under the provisions of

section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Proper Officers (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chair or a cheque signatory shall be appointed to verify bank reconciliations for all accounts produced by the RFO. The member shall sign the reconciliations and the original bank statements or similar document as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council and/or the relevant committee.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;

- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- have no involvement in the financial decision making, management or control of the council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast].

3.2. The RFO must each year, by no later than November, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the relevant committee and the council.

3.3. The council shall consider annual budget proposals in relation to the council's three-year forecast of revenue and capital receipts and payments including

recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000
- the Proper Officer, in conjunction with Chair of Council or Chairman of the appropriate committee, for any items below £5,000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Proper Officer, and where necessary also by the appropriate Chair.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year, unless placed in earmarked reserve by resolution of the council.

4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such a review shall be evidenced by a hard copy schedule signed by the Responsible Officer and the Chair of Council or relevant committee

or sub-committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500. The Proper Officer shall report such action to the chair as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of [£100] or [15%] of the budget, whichever is higher.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. [The council shall seek credit references in respect of members or employees who act as signatories.]

5.2. The RFO shall prepare a schedule of payments authorised, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall retrospectively authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chair of the Meeting. A detailed list of all payments shall be disclosed within or as an

attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council [or Finance Committee] meeting.

5.5. The Proper Officer and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Proper Officer and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee];

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee]; or

c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee].

5.6. For each financial year the Responsible Officer and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants council shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant shall before payment, be subject to ratification by resolution of the council.

5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest unless a dispensation has been granted.

5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council and countersigned by the Proper Officer. A member who a bank signatory is, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the Proper Officer [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by [two of] the Proper Officer [the RFO] [a member]. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any Debit Card issued for use will be specifically restricted to the Proper Officer [and the RFO] and will also be restricted to a single transaction maximum value of £750 unless authorised by council or finance committee in writing before any order is placed.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.

6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Proper Officer [and RFO] and shall be subject to

automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

a) The RFO shall maintain a petty cash float of £100 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.]

7. PAYMENT OF SALARIES

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

a) by any councillor who can demonstrate a need to know;

b) by the internal auditor;

c) by the external auditor; or

d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing interim staff, the council must consider a full business case.

8. LOANS AND INVESTMENTS

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.4. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

8.5. All investments of money under the control of the council shall be in the name of the council.

8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in

accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Proper Officer.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below)].

10. ORDERS FOR WORK, GOODS AND SERVICES

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the council.

10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

11.1. Procedures as to contracts are laid down as follows:

a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

i. for the supply of gas, electricity, water, sewerage and telephone services;

ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Proper Officer and RFO shall act after consultation with the Chairman and Vice Chairman of council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations[2].

c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)[3].

d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

e. Such invitation to tender shall state the general nature of the intended contract and the Proper Officer shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Proper Officer in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f. All sealed tenders shall be opened at the same time on the prescribed date by the Proper Officer in the presence of at least one member of council.

g. Any invitation to tender issued under this regulation shall be subject to Standing Orders [ ], [4] [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.

h. The Council will appoint a working group of trained councillors to score all the tenders received under the supervision of the Proper Officer, who will prepare a report for council.

i. The council will if considered appropriate by the Proper Officer or RFO appoint an independent expert to consider technical sections of any tender as part of the tendering process.

[2] The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

[3] Thresholds currently applicable are:

a. For public supply and public service contracts 209,000 Euros (£164,176)
b. For public works contracts 5,225,000 Euros (£4,104,394)

j. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Proper Officer or RFO shall obtain 1 quotation (priced descriptions of the proposed supply) to be approved by the Proper Officer; where the value is below £1,000 (b) where the value is between £1,000 and £4,999, the Proper Officer or RFO shall obtain 2 quotations (priced descriptions of the proposed supply) to be approved by the Proper Officer or RFO with the Chair of the Finance & Administration or the Chair of Council. (c) where the value is between 5,000 to £24,999, the Proper Officer or RFO shall strive to obtain 3 estimates to be approved by Council. Otherwise, Regulation 10.3 above shall apply.

k. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

l. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated, and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Proper Officer to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

14.1. The Proper Officer shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers [in consultation with the Proper Officer].

15.2. [The Proper Officer shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.]

15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to council at the next available meeting.

15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the council, or duly delegated committee.

16. CHARITIES

16.1. Where the council is sole managing trustee of a charitable body the Proper Officer and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Proper Officer and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]

17. RISK MANAGEMENT

17.1. The council is responsible for putting in place arrangements for the management of risk. The Proper Officer [with the RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Proper Officer [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Proper Officer shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

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BURSLEDON PARISH COUNCIL

Scheme of Delegation

Parish Council Office,
The Lowford Centre,
Portsmouth Road.
Bursledon
Southampton
SO31 8ES
Telephone 023 8040 7535
Email: clerk@bursledon-pc.gov.uk
Website: bursledon-pc.gov.uk

Bursledon Parish Council	
Scheme of Delegation	
Control Document V1.2	
Summary	The Scheme of delegation sets the Councils agreed duties which are delegated to the Councils Officers.
Target Audience	Council Staff, Councillors and public
Next Review date	May 2019
Approved & Ratified by:	
Date of Issue	01 May 2019
Author	Parish Clerk
Sponsor	Chair of Finance & Administration Committee

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Introduction - General

The Proper Officer referred to in legislation is normally the chief officer to a local (parish, community, neighbourhood, town) council and is sometimes referred to as the clerk.
Many clerks are also the council's Responsible Financial Officer (RFO). The role of chief officer or clerk to a local council is a recognised profession. The range of work undertaken in this role is diverse, but all local councils operate within the same legal, financial and procedural framework and share the same purpose of democratically representing a local community. Differences depend on the size of the community served by the council and its level of its activity.

Values

A clerk is a valuable investment for the local council, especially where that officer is trained and qualified specifically to undertake the work of the council. However, the clerk is valued for many attributes in addition to qualifications. Three overarching values are resourcefulness, objectivity and integrity

1 **Resourcefulness**

Clerks respond to questions and problems with a dynamic, 'can-do' attitude. They readily take the initiative and approach their work with enthusiasm, common sense and a vision for the future of the council and its community. Clerks are both resilient and flexible in the face of difficulty and are willing to adapt to changing circumstances. When presented with a question to address or a problem to solve, they are keen investigators who know where to go for advice, information and ideas.

2 **Objectivity**

Clerks maintain a professional detachment from specific views expressed by individual members of the council or in the community. They respect the legal framework and democratic processes within which councils operate and advise the council accordingly. The council can rely on a clerk's discretion and neutrality, independent assessments of problems and solutions and on their professional, objective advice.

3 **Integrity**

Many characteristics contribute to the integrity and inherent strength of clerks. They are reliable, committed and consistent in their work; they are honest, open and worthy of trust; they support their employer (the council as a corporate body). They are approachable, diplomatic and sensitive to the needs of others; they treat people fairly, equally and with respect for diversity. They are committed to their own and the council's excellence and are willing to pursue personal and professional development to underpin confidence in their actions. They take responsibility for their work and are accountable for their advice and the decisions they take

4 **The standards**

The standards represent what an experienced /qualified clerk should be able to do in performing their role. In order to be qualified all clerks should reach all these standards at each of the three specified levels although it is appreciated that some clerks will not perform all these activities in the course of their work. Many of these standards involve giving advice, ensuring compliance with the law, managing a variety of tasks and supporting the council. In each case, the standard implies the knowledge, understanding and skills which the clerk develops over time gradually building up their qualifications, their continuing professional development (CPD) and their experience of the workplace.

S1 Understand the roles, responsibilities and duties of the council and of the individuals involved in the work of the council

S2 Carry out research so that the council is well-informed for making decisions

S3 Manage the implementing of decisions for which the council is responsible

S4 Organise and maintain effective administrative systems, processes, policies and records

S5 Employ a variety of written and oral communication skills including the use of information and communications technology (ICT)

Law and procedures

S6 Advise the council on its duties and powers

S7 Ensure that all statutory requirements are observed including employment law, Health and Safety, Freedom of Information, Data Protection, Safeguarding and Equality

S8 Establish appropriate and lawful procedures for managing the meetings of the council and its committees

S9 Advise the council on statutory requirements and other procedures for maintaining public confidence in the council

Finance

S10 Advise the council on financial planning and reporting including the preparation and review of budgets, the management of risks to public money and funding applications

S11 Ensure compliance with proper financial practices including accounts, financial regulations, audit processes, VAT and procurement

Management

S12 Support the council in the planning, management, funding and review of projects, services, assets and facilities

S13 Manage the employment, performance and development of council staff

S14 Manage effective relationships with contractors and service users

S15 Advise the council on its performance as a corporate body ensuring councillors have opportunities for training and development

Community

S16 Advise and support the council as it identifies and implements plans for the future of the community it represents

S17 Manage and administer the council's participation in the planning system according to current planning law, policies and procedures

S18 Demonstrate an awareness of all aspects of the community served by the council, recognising and respecting different interests and enabling cohesion

S19 Help provide all members of the community with opportunities for influencing decisions that affect their lives

S20 Facilitate the council's engagement with the community, managing public relations and ensuring that the council is transparent in all its actions

S21 Manage effective partnership working

S22 Advise and support the council as it facilitates community activity

Introduction to Scheme of Delegation

This Scheme of Delegation was approved by Council on ..... Any subsequent amendments are identified by the date and minute number of the Council resolution in brackets after the amendment.

The powers and duties set out in this scheme are delegated to the Parish Clerk. The Parish Clerk, where specified may delegate these duties and powers to other officers within the Council.

The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

The scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk is appointed.

1 Extent of Delegation

1.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

1.2 The Parish Clerk will exercise these powers in accordance with

- approved budgets
- the Council's Financial Regulations
- the Council's Contract Procedure Rules
- the Council's Procurement Strategy
- the Council's Policy Framework and other adopted policies of the Council
- all statutory common law and contractual requirements

1.3 The Parish Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

1.4 Provided that such authorisation is not prohibited by statute the Parish Clerk to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to:

- such authorisations being in writing
- only be given to an officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the officer authorised by the Parish Clerk is/will be acting in the name of the Parish Clerk
- such authorisation not being prohibited by statute.

1.5 A delegation to a subordinate officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

2 General Matters

The Parish Clerk is authorised:

2.1 To sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.

2.2 To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

2.3 To institute and appear in any legal proceedings authorised by the Council.

2.4 To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Bursledon).

2.5 To alter the date or time of a Council or committee or working group meeting but, before doing so, shall consult the Chair of the Council, or Chair of a committee or working group concerned and the Leader of all political groups (if appointed) on the Council about the need for the change and about convenient alternative dates and times.

2.6 To decide arrangements for the closure of the Council offices in the Christmas/New Year period in consultation with the Chair of the Council.

2.7 Deal with day-to-day matters relating to the use of council premises.

2.8 To negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Bursledon and surrounding villages, where organised by the Parish Council and programmes of entertainment.

2.9 To manage all the Council's current services including the following:

2.10 The Council's allotments including the selection of tenants.

2.11 The Council's cemeteries and burials service.

2.12 The Council's parks, open spaces and amenity areas.

2.13 The Lowford Community Library service and licences.

2.14 To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

2.15 To apply for planning consent for all development by the Council, following council decisions.

2.16 To apply for planning consent for tree works by the Council.

2.17 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

2.18 To respond to complaints made under the Council's Complaints procedure and to make such ex gratia payments in settlement of such complaints as are considered justified and agreed by Council.

2.19 To manage, monitor and review the Councils Internal control procedures.

2.2 To manage, monitor and review the Councils Corporate Risk Management Strategy

3.0 Financial Matters

3.1 The Parish Clerk is authorised as follows:
To be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

3.2 To operate the Council's banking arrangements including arranging overdrafts with the approval of the Council.

3.3 To incur expenditure up to a maximum of £4,999 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution. Expenditure in the range £1,000 - £4,999 to be incurred in consultation with the relevant committee chair/chair of council.

3.4 To pay all accounts properly incurred.

3.5 To pay all subscriptions to organisations to which the Council belongs.

3.6 To make all necessary arrangements for the provision of an internal and external audit service for the Council.

3.7 To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.

3.8 To incur expenditure on revenue items within the approve estimates and budgets under their control.

3.9 To incur expenditure on capital schemes within the Council's approved Capital Programme.

3.10 To enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate and approved by Council.

3.11 a) To accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations), subject to: the cost not exceeding the amount approved estimate

b) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
c) all the requirements of the Council's Financial Regulations being complied with.

3.12 To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations

3.13 To carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.

3.14 To manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.

3.15 To authorise action for the recovery of debts.

3.16 To write off debts up to the level set by the Council at its Budget Meeting subject to the approval in the year end accounts.

3.17 To maintain a Register of Assets and Inventory of Equipment.

3.18 To determine the Parish Council's insurance requirements on the Council's behalf.

3.19 To make all necessary arrangements for the Council's insurances.

3.20 To exercise the Parish Council's powers to pay the Post Office, British Telecom or any other telecommunications operator any loss.

3.21 To prepare a draft budget for consideration by the Council.

3.22 To prepare the Final Accounts for each financial year.

4.0 Staffing Matters

4.1 The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including: Appointments to posts (excluding the post of Deputy/Assistant Parish Clerk), as approved by Council recommendation

4.2 To appoint Deputy/Assistant Parish Clerk/s through an appointment panel which includes the Parish Chair.

4.3 The employment of temporary employees.

4.4 The preparation of the job description and person specification, placing of the advertisement and short-listing of applicants except for new roles and that of the Parish Clerk.

4.5 Management of staff (including volunteers) performance.

4.6 Management of discipline and performance, including the power of suspension, to be reported back to the Staffing Sub Committee or the Council.

4.7 The exercise of disciplinary and grievance procedures in accordance with the Council's procedures.

4.8 Determine approved duties for the payment of travel and subsistence expenses to members and officers where they represent the Council outside of the Parish Council area.

4.9 To recommend to accept or refuse to the Staffing Sub Committee and the Council regarding applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.

4.10 To approve payment of overtime.

4.11 To agree minor variations to the condition of employment, with reporting back to Council/Staffing Sub Committee.

4.12 To implement and monitor the arrangements for annual leave, flexi time, sickness absence and maternity leave in accordance with the Council's policies.

4.13 To authorise training in line with the Council's policies.

4.14 To authorise the provision of uniforms or protective clothing.

4.15 To approve payment of claims from employees for compensation for loss of or damage to personal property.

4.16 To negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal, as approved by Council recommendation

4.17 To agree to premature retirement on the grounds of duly certified ill health, as approved by Council recommendation

4.18 To terminate employment during and to review salary on completion of probationary periods approved by Council recommendation

4.19 The Parish Clerk will prepare a management report for each meeting of the Staffing Sub Committee or F & A on the delegation of these duties.

5.0 Property Matters

The Parish Clerk is given authority to manage the land and property of the Council including:

5.1 Enter discussions regarding the terms of any lease, license, conveyance or transfer in consultation with the council's legal advisors.

5.2 Enter discussions regarding the granting or refusal of the Council's consent under the terms of any lease.

5.3 Enter discussions regarding Variations of restrictive covenants of a routine nature.

5.4 Enter discussions regarding the granting of easements, way leaves and licences over Council land as approved by Council recommendation

5.5 Initiating legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair/Vice-Chair.

5.6 To direct the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.

5.7 To exercise responsibility for the safe custody and maintenance of the Civic Regalia.

5.8 The Parish Clerk will prepare a management report for each meeting of the Finance & Administration Committee on the delegation of these duties.

Urgency

6.0 The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee or subcommittee. The Chair, the Leader of the Council (if appointed) and the Chair of any relevant committee are to be consulted before such action is taken.

7.0 Emergency Planning

To implement the Council's Emergency Recovery Strategy and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant committee or subcommittee. The Chair, the Leader of the Council (if appointed) and the Chair of any relevant committee are to be consulted before such action is taken.

8.0 Procedural

8.1 To authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.

8.2 To serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.

8.3 To appoint consultants and other to carry out any function and provide any service under their control as approved by Council recommendation

9.0 Health and Safety at Work Act 1974

To oversee the discharge of the Council's responsibilities under the Act.

10 Management of Information

10.1 To publish information in accordance with the freedom of information legislation and in accordance with the Councils publication scheme. (as per Transparency Requirements)

10.2 To be the Responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act, the general Data Protection Regulations and the Freedom of Information Act.

10.3 To monitor and review technical and organisational measures to keep secure information (including personal data) which the council holds in paper and electronic form)

10.4 To decide who has access to personal data and encryption of personal data

11 Legal Proceedings

11.1 To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation

11.2 To take Counsel's advice or instruct Counsel to represent the Council, as approved by Council recommendation

11.3 To seek injunctions and commence proceedings for the purposes of
enforcement in accordance with the Council's policies
recovering money due to the Council
recovering or otherwise preserving possession of the Council's land or property
defending the interests of the Council
appealing against a decision affecting the interests of the Council and
responding to appeals against action taken by the Council

11.4 To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.

11.5 To negotiate and settle the terms of documents to give effect to a decision of the Council or any of the committees or of any officer acting under delegated powers.

11.6 To approve the affixing of the Common Seal of the Council to documents.

11.7 To serve requisitions for Information.

11.8 The Parish Clerk will prepare a management report for each meeting of the Finance & Administration Committee on the delegation of these duties.

Agenda Item 12

Bursledon Parish Council

Report

Report To: Full Council

Report of: Roland Potter (Parish Clerk)

Title: Committee Structure & Appointment to Committee Membership

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Author: Roland Potter		**Presented by:** Chair of the Council
Produced for: Full Council		**Date of Report:** 8 May 2019
1	**Summary of Key Issues** • To agree the committee structure. • To appoint Members to committees and Working Groups. • To agree the terms of reference for all Committees. • To consider the appointment of Working Groups.	
2	**Supporting Information** The Council has 12 members and has the power to create discretionary committees of its own choice A Committee has power only to consider and report on matters within their terms of reference and those with delegated powers to make a decision on all or some matters within their terms of reference Committees with responsibility for controlling the finance of the Council must consist of Councillors only. (LGA1972.S102(3) Other committees can have co-opted non-voting members. Each committee have the power to create sub- committees or working groups	
3	**Committee Structure 2015/2019** Over the past four year the Council has operated with three committees and one sub- committee: 1. Finance and Administration. (The terms of reference are attached to this report 12A) 2. Planning and Highways. (The terms of reference are attached to this report. 12B) 3. Staffing Sub Committee (The terms of reference are attached to this report.12C)	

4	**Attendance** The Council in previous years has chosen to appoint all councillors to all committees. The impact of this decision is that the quorum for a meeting must be four. Over the last 12 months the average attendance at meetings has been 6 members.
5	**Issues with the current model** Only the Planning & Highways Committee has delegated authority to act. The remaining committees must make recommendations to Full Council for approval.
6	**Suggested alternative Council structure** A suggested structure for 2019/20 is set out below and proposed terms of reference are attached: 1. Full Council – All Councillors 2. Planning & Highways Committee – Six to eight members with the use of substitutes as per standing orders. (The terms of reference are attached to this report.12D) 3. Staffing and Code of Conduct Committee – four members including the Chair and Vice Chair of Council. (The terms of reference are attached to this report.12E) 4. Finance and Policy Working Group – four members including a lead member. (The terms of reference are attached to this report.12F) 5. Outside Projects Working Group – four members including a lead member. (The terms of reference are attached to this report.12G) 6. Library Liaison Working Group – two members including Chair and Vice Chair of the Council. (The terms of reference are attached to this report.12H)
7	**Rationale for an alternative structure** **General –** • This year we will be recording attendance and apologies as a live part of the website as required for transparency. This will result in the public being able to identify more easily the attendance of Councillors. • Legislation including transparency require financial information to be reported to council, irrespective of any reports to a committee. • Working groups can work more informally and use email to exchange ideas and develop documents. • Working groups will report to Council and make recommendations to Council. • Working Groups will allow Councillors to work more with the officers in the delivery of the Councils services.

	Staffing and Code of Conduct Committee The Councils insurers have requested that the Council has a standing committee for Staffing and Code of Conduct to fill its legal obligations. **Finance and Policy Working Group** The Finance and Administration Committee has only held one meeting in the last 12 months as most of the work has been directly managed by the Full Council. The current committee has no delegated responsibility and is only able to recommend reports to Council. The use of a Working Group will allow for more informal meetings at time which are more convenient to its members. The working group will retain its role of preparing the budget. **Outside Projects Working Group** This year the council has several projects to deliver and this will be an opportunity for members to be more involved in the delivery of the service. The Working group will also have the freedom to hold meetings on-site to look at issues. In this forthcoming year there will also be a review of the Allotment and Cemetery regulations.
8	**Legal & Policy Issues** The Councils Standing Orders allows for a new structure to be operated. Access by the public will continue to be through the standing committees. The Council can trial the new structure for one year and review at any time.
9	**Financial Implications** Reducing the number of standing committees will contribute to reducing the cost of preparing and operating meetings which currently costs about £300 per meeting.
10	**Recommendations** 1. **To approve the committee structure as decided by the Council.** 2. **To appoint members to the relevant committees or working groups.** 3. **To agree the terms of reference for each committee or working group.**

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Current Terms of Reference for the Finance & Administration Committee

Purpose

To address and, where appropriate, formulate policy, for consideration by Council; to be responsible for the Council's Financial budget and other assets as delegated by Council; to secure good governance of the Councils affairs including the managements of staffing and appointments, risk management, media relations, committee arrangements and the day to day business of the Council.

Terms of Reference

The Committee shall be delegated to **develop and/ or review** the following and make recommendations to the Council in the following matters as per Standing Orders.:

Policy & Procedures

1. To identify key policy issues facing the Council and to formulate, for the Council's consideration, its strategies and timetables for dealing with them.
2. To make recommendations to Council on changes and review Standing Orders and Financial Regulations.
3. To ensure the Councils adequately resourced to achieve its aims and objectives, powers and duties of the Council and Standing Committees.
4. To review the Councils Risk Management Strategy and make recommendations to Council accordingly.
5. To maintain a business continuity plan for the Council.
6. To maintain and review the Councils strategic objectives and performance
7. To formulate, review and recommend the Councils Business Plan to Council.

Finance

1. All matters relating to the financial management of the Council's affairs including the approval of monitoring reports, investments of income, expenditure and other banking arrangements.
2. To prepare annual estimates of revenue and capital expenditure, all proposals relating to setting the Council Tax precept and the management of the Council's fee, charges and the budgetary framework and process.
3. To recommend the appoint internal auditors.
4. To make recommendations to Council on charges and fees for the Councils services
5. To consider the annual financial statements, the auditor's formal opinion and the statement of internal control in accordance with audit legislation.
6. To monitor and review the management of the Council's assets, the financial health of the Council, expenditure against budget allocations including the total level of expenditure of the Council and reporting to Council as necessary.
7. General administration issues relating to council assets and services.
8. To oversee the Councils banking and investment arrangements and keep investment policy under review, including treasury management.
9. To recommend to Council the use of financial reserves.
10. To recommend to Council and leasing, loans and finance arrangements.

Asset Management

1. To maintain an overview of the Council's assets and potential assets (including services) and to report to Council on their impact and effectiveness.
2. To negotiate the transfer or management of assets to Bursledon Parish Council from other authorities including Eastleigh Borough Council and Hampshire County Council.
3. To ensure that the Council is fully covered by insurance to carry out all its functions as a local authority.

Human Resources

1. To review and maintain Staffing levels at appropriate levels to deliver services.

Communications

1. To develop a strategy on media relation, and to formulate policy on public participation.
2. To monitor the maintenance and development of the Council's web site.
3. To formulate an Emergency Plan for the Council as and when required.

Members Services

1. To oversee and approve a programme for Members Training
2. To oversee the provision of Members services

The Committee shall be delegated to **make decisions** on behalf of the Council on the following matters:

1. Approval of the committee's minutes as a true and correct record.
2. To monitor budget heads for approved expenditure relevant to the Committees terms of reference
3. All employment matters relating to staff, based on recommendations made or in line with contractual arrangements and specifically to lead on:

- a scheme of delegation to officers.
- Monitor and approve staff recruitment
- To monitor annual appraisals, finalise and approve any action plans resulting from that appraisal, prior to reporting to Council that the review has been completed.
- Policy recommendations relating to pay, conditions of service and staffing levels.
- To determine the final stage of Hearings or Appeals of any grievance, disciplinary, capability matters in accordance with the Council's Grievance and Disciplinary Procedure.
- Dealing with any grievance, disciplinary and capability matters, only reporting to Council when the time for any Appeal has passed.
- Appointment of an Appeals Sub Committee if necessary.

4. All matters relating to financial decisions with agree budgets up to £1.000.
5. To recommend grants to local organisations in line with the agreed Council grants budget.
6. To appoint a Staffing Sub Committee.
7. To provide any two elected members of the committee to be consulted by the Parish Clerk to deal with urgent matters which have a legal and financial implication for the Council and time restraints preventing the normal arrangement of a Council meeting, If the Chairman of the Council and Finance and Administration Committee are not available.
8. To form time and task limited working groups from elected members of the Council and the public to carry out specific tasks.

Agenda Item 12B

Current Terms of Reference for the Planning and Highways Committee

The Committee shall be delegated to make **recommendations** to the Council in the following matters

1. All matters relating to planning policies of the Borough Council, County Council and Harbour Authority.
2. All matters relating to Bursledon's highways.

The Committee shall be delegated to make **decisions** to behalf of the Council in the following planning matters:

1. To comment on all planning applications received from Eastleigh Borough Council and Hampshire County Council.
2. To comment on behalf of the Council in response to any consultations in relation to tree preservation orders, advertisement consent and harbour works orders.
3. To comment on behalf of the Council in response to any planning consultations in relation to rights of way claims, diversions, modifications or adoptions depending on deadlines.
4. To make representation and act on all matters relating to planning appeals;
5. To make representation and act on all matters relating to planning enforcement.
6. To respond to all tree planning notifications/applications, with BPC's decision being made via e-mail circulation following the recommendation from a BPC Tree Warden, unless an application is referred to committee by any Councillor.
   If following the deadline date, the Clerk has received no objections from any Councillor, Tree Warden or any member of the public the clerk should respond to EBC that BPC has no Objection.

The Committee shall be delegated to make **decisions** to behalf of the Council in the following highways matters:

1. To comment in response to any consultations or enquiries on highways matters from Eastleigh Borough Council and Hampshire County Council.
2. To make representation and act on all matters relating to enforcement of highways regulations.
3. To take any necessary action on encroachment by landowners on Bursledon's highways independently or in partnership with Eastleigh Borough Council and Hampshire County Council.
4. To report any matter relating to highway maintenance to Hampshire County Council and Eastleigh Borough Council.

Current STAFFING SUB-COMMITTEE – TERMS OF REFERENCE

The Staffing Sub-Committee will comprise of at least 3 Elected Members of the Council including the Chair of the Council & the Chair of the Finance & Administration Committee.

The quorum of the Sub-Committee will be 3. (Any member of the Finance and Administration Committee will be allowed to substitute)

Its officer will be the Parish Clerk.

The **Sub-Committee** shall be chaired by the Chair of the Finance & Administration Committee.

The **Sub-Committee** shall appoint an Elected Member as its Vice-Chair.

Regularity of Meetings: To meet as required by arrangement with the Parish Clerk.

Terms of Reference
Compliance with Legislations

1. To ensure that the Council through its officers complies with current employment legislation.
2. To ensure that the Council fulfills its corporate statutory responsibilities with regards to the employment of all staff.
3. To review all Human Resources Policies and make recommendations to full Council.

Staffing Levels, Recruitment and Retention.

4. To make recommendations to the Finance & Administration Committee on staffing levels for the organisation.
5. To make recommendations to the Finance & Administration committee on levels of salaries and wages, pay increases, bonuses and other staffing benefits.
6. To form a recruitment and selection panel for all management posts.
7. To appoint one member to sit with the Parish Clerk during all other staffing appointments.

Training and Development

8. To review staff training and development needs as identified by the Parish Clerk and the Council.

Performance Management

9. To appoint a small panel of no more than three members as an appraisal panel for the Parish Clerk.
10. To negotiate and agree performance targets with the Parish Clerk

Employee Relations

11. To mediate when required between officers and members the balance of an achievable work load.
12. To appoint a panel of three members to consider any grievances by staff in line with the Council's Human Resources Policies.
13. To appoint a panel to hear appeals on personnel issues.

Agenda Item 12D

Terms of Reference for the Planning and Highways Committee

The Committee shall be delegated to make **recommendations** to the Council in the following matters

1. All matters relating to planning policies of the Borough Council, County Council and Harbour Authority.
2. All matters relating to Bursledon's highways.

The Committee shall be delegated to make **decisions** to behalf of the Council in the following planning matters:

1. To comment on all planning applications received from Eastleigh Borough Council and Hampshire County Council.
2. To comment on behalf of the Council in response to any consultations in relation to tree preservation orders, advertisement consent and harbour works orders.
3. To comment on behalf of the Council in response to any planning consultations in relation to rights of way claims, diversions, modifications or adoptions depending on deadlines.
4. To make representation and act on all matters relating to planning appeals;
5. To make representation and act on all matters relating to planning enforcement.
6. To respond to all tree planning notifications/applications, with BPC's decision being made via e-mail circulation following the recommendation from a BPC Tree Warden, unless an application is referred to committee by any Councillor.
   If following the deadline date, the Clerk has received no objections from any Councillor, Tree Warden or any member of the public the clerk should respond to EBC that BPC has no Objection.

The Committee shall be delegated to make **decisions** to behalf of the Council in the following highways matters:

1. To comment in response to any consultations or enquiries on highways matters from Eastleigh Borough Council and Hampshire County Council.
2. To make representation and act on all matters relating to enforcement of highways regulations.
3. To take any necessary action on encroachment by landowners on Bursledon's highways independently or in partnership with Eastleigh Borough Council and Hampshire County Council.
4. To report any matter relating to highway maintenance to Hampshire County Council and Eastleigh Borough Council.

Report to Full Council

Report of: Roland Potter (Parish Clerk)

Title: Appointment to Outside Bodies

Author: Roland Potter		**Presented:** Chair of Full Council
Produced for Full Council		**Date of Report:** 07 May 2019
1	**Summary of Key Issues** • To agree which outside bodies to appoint representatives to. • To agree which members should be appointed to outside bodies. • To consider the appointments to charities.	
2	**Appointment to Charitable bodies** The Council have over the previous years appointed councillors to charitable bodies. Over the recent years there has been changes to the charity law and rulings regarding conflicts of interest. Having taken legal advice, the Council are requested to consider the following: • The Council will if required appoint a councillor to a charitable organisation as an observer **only**. • Where a councillor takes on a role as a trustee or director in a charity, it would not be appropriate for that councillor to represent the Council as their primary legal responsibility is to the Charity and not the Council.	
3	**Organisation**	Previous Representative
	Bursledon & District Community Association	Cllr M Penn
	Bursledon Windmill Joint Management	Chair of Council, Cllr D Andrewes
	Eastleigh District Association of Local Councils (EDALC)	Chair of Council/ Vice Chair of Council
	Eastleigh Passenger Transport Forum	Cllr F Burgess
	Hamble River Estuary Partnership	Cllr D Andrews, Cllr Garrett (Deputy)
	Hamble School Leisure Facility Management Committee	Cllr T Craig, Cllr F Burgess (Deputy)
	Youth Projects (HYPE)	Cllr J Rich
	River Hamble Management Committee	Cllr D Andrews, Cllr M Garrett (Observer)

	River Hamble Valley Forum	Cllr D Andrews
	Pilands Wood Community Association	Cllr A Dew
	Pilands Wood Community Partnership	Cllr T Craig
	QE2 Activity Centre	Cllr T Craig
	River Hamble Management Committee	Cllr D Andrews, Cllr M Garrett (Observer)
4	**Legal, Policy and Risk Issues** The Council are required to consider the position the impact of the legal duty as trustees and directors when appointed to a charity.	
5	**Financial Implications** There are no Financial Implications.	

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BURSLEDON PARISH COUNCIL

Parish Council Office, The Lowford Centre, Portsmouth Road.
Bursledon Southampton SO31 8ES
Telephone 023 8040 7535 Website: bursledon-pc.gov.uk
Email: clerk@bursledon-pc.gov.uk

PLEASE NOTE ALL MEETINGS ARE HELD ON A WEDNESDAY The Council reserves the right to cancel, rearrange or hold additional meetings as required Council & Planning & Highways Committee Meetings start at 7.00pm		
Type of meeting	**Date of meeting**	**Notes**
Full Council	15 May 2019	Annual Meeting
Councillor Training	29 May 2019	
Planning & Highways Committee	12 June 2019	
Finance & Administration Committee	19 June 2019	(Annual Audit Report & Year end Accounts)
Full Council	26 June 2019	(Annual Audit Report & Year end Accounts)
Planning & Highways Committee	10 July 2019	
Full Council	24 July 2019	Quarterly accounts to 30 June & Grant Applications
Planning & Highways Committee	14 August 2019	
Planning & Highways Committee	4 September 2019	
Full Council	25 September 2019	
Planning & Highways Committee	9 October 2019	
Full Council	30 October 2019	
Finance & Administration Committee	6 November 2019	Quarterly accounts to 30 Sept & Budget preparation 2020/21
Planning & Highways Committee	13 November 2019	
Full Council	27 November 2019	Budget setting 2020/21
Planning & Highways Committee	11 December 2019	
Planning & Highways Committee	8 January 2020	
Full Council	29 January 2020	Precept setting 2020/21, Quarterly accounts to 31 December 2019, Grant Applications.
Planning & Highways Committee	12 February 2020	
Full Council	26 February 2020	
Planning & Highways Committee	11 March 2020	
Finance & Administration Committee	18 March 2020	
Full Council	25 March 2020	
Annual meeting of Electors	8 April 2020	
Planning & Highways Committee	15 April 2020	
Full Council	29 April 2020	
Planning & Highways Committee	13 May 2020	
Full Council	27 May 2020	Annual Meeting

BURSLEDON PARISH COUNCIL

Procedure for Co-Option of Parish Councillors

Parish Council Office,
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Bursledon
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Website: bursledon-pc.gov.uk

Bursledon Parish Council		
Procedure for Co-option of Parish Councillors		
Control Document		
Summary	Procedure for the co-option of councillors to Bursledon Parish Council.	
Target Audience	Council Staff, Councillors and public	
Next Review date	May 2022	
Approved & Ratified by:		
Date of Issue	07 May 2019	
Author	Parish Clerk	
Sponsor	Chair of Bursledon Parish Council	
File Reference	BPC/ Shared Documents/Shared/P6/ Co-Option of Councillors V1.1	
Action	**Date**	**Actions**
Policy created	02 May 2019	Policy developed and for consideration by Council
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		

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Bursledon Parish Council

Procedure for the Co-option of Parish Councillors (Casual Vacancy)

1. INTRODUCTION

This document sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Bursledon Parish Council.

The co-option procedure is entirely managed by the Parish Council, and this procedure will ensure that a fair and equitable process is carried out.

2. CO-OPTION

The co-option of a parish councillor occurs in two instances:

- When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
- When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

3. ORDINARY VACANCY

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years.

Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, the Borough Council may intervene and make an appointment or order an election to fill the vacancies.

4. CASUAL VACANCY

A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified; or
- A councillor fails for six (6) months to attend meetings of a council committee or sub- committee or to attend as a representative of the council at meeting of an outside body.

The Parish Council must notify the Borough Council of a casual vacancy and then advertise the vacancy and give electors for the parish the opportunity to request an election. This occurs when ten electors write to the Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the Borough Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

The Parish Council will pay the costs of the election.
The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Eastleigh Borough Council will advise the Clerk of the closing date.
If more than one candidate is then nominated a by-election takes place, but if only one candidate is put forward, they are duly elected without a ballot.
If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

5. CONFIRMATION OF CO-OPTION

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.
The Clerk will:

- Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website
- Advise Eastleigh Borough Council that the co-option policy has been instigated

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are enough parish councillors elected to constitute a quorum.

6. ELIGIBILITY OF CANDIDATES

The Parish Council can consider any person to fill a vacancy provided that:

- he/she is 18 or over; and
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- he/she is an elector for the Parish and continues to be an elector; or
- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish for the past twelve months; or
- has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Parish Council;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

7. APPLICATIONS

Candidates will be requested to:

- Attend at least one Parish Council meeting as observers;
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);
- Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item '*To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy*'. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as **strictly private and confidential.**

8. AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council.

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested under Standing Order 9 to show whether each councillor present and voting, gave his/her vote for or against that question.

For a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).

If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Eastleigh Borough Council Electoral Services Office of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Register of Interests form which the Clerk will lodge with the Monitoring Officer at Eastleigh Borough Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

9. PERSON SPECIFICATION:		
COMPETENCY	ESSENTIAL	DESIRABLE
Relevant Knowledge, Education, Professional Qualifications & Training	• Sound knowledge and understanding of local affairs and the local community • Good knowledge of the Parish boundaries and Parish Council property	• Specific work experience / voluntary work experience / undertaken vocational or academic training / professional qualifications
Experience, Skills and Ability	• Solid interest in local matters • Ability and willingness to represent the Parish Council and its community • Ability to communicate clearly both verbally and in writing • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff • Good reading, analytic and problem-solving skills • Ability and willingness to work with the Parish Council's partners (e.g. Parish Council sub groups, voluntary groups, other parish councils, principal authority, charities) • Ability and willingness to undertake relevant training as and when required • Ability to work under pressure and make sound judgement • Ability to research and report back on issues faced by the Parish Council • Good standard of computer literacy with the ability to access an email account	• Previous council/parish council experience • Basic knowledge of legal issues relating to town and parish councils or local authorities • Experience of financial control and budgeting
Other requirements	• Ability and willingness to attend all meetings of the Parish Council (including sub group meetings or the meetings of other local authorities and local bodies) in the evening and at weekends • Flexible working approach • Enthusiastic	

10. CO-OPTION ELIGIBILITY FORM

In order to be eligible for co-option as a Bursledon Parish Councillor you must satisfy certain criteria. You must satisfy a. and b. below and at least one of the options c. to f. Please tick which apply to you:

a. I am 18 years of age or over; and ☐
b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and ☐
c. I am registered as a local government elector for the parish; or ☐
d. I have, during the whole of the twelve months preceding the date of my co-option occupied, as owner or tenant, land or other premises in the parish; or ☐
e. My principal or only place of work during those twelve months has been in the parish; or ☐
f. I have during the whole of those twelve months resided in the parish or within 3 miles ☐

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:

- Is employed by the parish council or holds paid office (other than chairman, vice- chairman or deputy chairman) under the parish council (including joint boards or committees);
- Is employed by an entity controlled by the parish council;
- Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- Is otherwise disqualified under Part III of the Representation of the People Act 1983

Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Bursledon Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.

I have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this form.

Signature..... Name.....
Date.....

BURSLEDON PARISH COUNCIL
CO-OPTION APPLICATION FORM
Name:
Address:
Telephone Number
Email Address

Please detail any experience you may have that is relevant to Bursledon Parish Council (if necessary, continue onto a separate sheet)

BURSLEDON PARISH COUNCIL
Is there any other information you would like to disclose regarding your application? (if necessary, please continue on a separate sheet)

BURSLEDON PARISH COUNCIL

IT & Email Policy

Parish Council Office,
The Lowford Centre,
Portsmouth Road.
Bursledon
Southampton
SO31 8ES
Telephone 023 8040 7535
Email: clerk@bursledon-pc.gov.uk
Website: bursledon-pc.gov.uk

Bursledon Parish Council		
IT & Email Policy		
Control Document		
Summary	Policy for the use of Council emails and Council loaned IT Equipment	
Target Audience	Council Staff, Councillors and public	
Next Review date	May 2020	
Approved & Ratified by:		
Date of Issue	07 May 2019	
Author	Parish Clerk	
Sponsor	Chair of Bursledon Parish Council	
File Reference	BPC/ Shared Documents/Shared/P6/ IT & Email Policy	
Action	**Date**	**Actions/ Alterations**
Policy created	02 May 2019	Policy developed and for consideration by Council.
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		
Reviewed		

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	BURSELDON PARISH COUNCIL
	Email, Internet and Computer System Use Policy & Procedure for Councillors
1. INTRODUCTION	
	Bursledon Parish Council ("the Council") provides email facilities for use by Councillors who have access to a desktop, laptops or mobile devices including the loan of electronic tablets. • Where the Council has supplied a councillor with a parish council email the council will only communicate through this dedicated email and will not reply to personal email accounts. • The only exception to this is where a councillor uses a secure mail system from another local authority. • This document sets out the Council"s policy for the use of these services and more general computer use in compliance with the General Data Protection Regulations (GDPR).
2. AIMS	
	The aims of the policy are to ensure that the services made available to Councillors are used In accordance with the values, principles and standards of the Council and to ensure GDPR is complied with by ensuring only Bursledon Parish Council or Eastleigh Borough Council approved emails are used for council business So as not to incur legal liability So as not to threaten the integrity of the Council's IT services
3. WHO DOES THIS POLICY APPLY TO?	
	The policy applies to all Bursledon Parish Council Councillors. All Councillors are required to sign to indicate their acceptance of the policy content at the time of joining the Council and will be asked to re-affirm their understanding and acceptance of the policy on an annual basis. Each Councillor is responsible for individually complying with this policy.
4. SECURITY	
	Access to the Councillors network and files, including Internet services, is restricted to individual users and **MUST** not be shared accounts Council supplied equipment is only for the use of council business and should

only be used by the councillor to whom it has been allocated.

The access of each user is controlled by means of their own password
Passwords must be kept confidential and not disclosed to others; disclosure could result in Internet or email misuse being attributed to the owner of the password
Guidance on password protection of files is available from the Clerk to the Council.
Care should be taken not to leave a device that is connected to the Internet/system unattended or unlocked
Breaches of security of the computer system e.g. disclosure of personal passwords, giving unauthorised access to emails to external parties, may result in action from the Information Commissioners Office (ICO)

For further protection of personal data, all files containing names, telephone numbers, addresses and email addresses, etc. must be password protected. These files are likely to take the form of internal databases, registers etc.

If you suspect there has been data breach or your email/IT has been hacked, you must inform the Clerk immediately. The Clerk will then contact the council's Data Protection Officer for guidance on the most appropriate way to deal with the breach.

5. GUIDANCE

This section of the document provides guidance on the acceptable use of the Council's email and Internet services and contacts databases.

Email Usage
The Council's email system enables users to email Officers and Members of the Council, as well as individuals outside of the organisation.
Users should be aware that once an email is sent to an individual outside of the Council, it is beyond the Council's control and is not guaranteed to be confidential.
Hoax and/or suspect emails should be reported to the Clerk they should not be opened or forwarded but "double deleted" i.e. deleted from the users "Inbox" and then "Deleted Items".

6. PROHIBITED EMAIL ACTIVITIES

The following email activities may breach the councils, code of conduct" and/or prompt action by the Information Commissioners Office:

- Examining, changing or using another person's files, output or user name without explicit authorisation
- Sending or forwarding any material that is obscene, defamatory or hateful,

or which is intended to annoy, harass or intimidate others

- Sending or forwarding emails which are likely to damage the reputation of the Council
- Sending or forwarding electronic chain letters
- Soliciting emails that are unrelated to Council activities or soliciting non-Council business for personal gain or profit
- Intentionally interfering with the normal operation of the Council's network, including the propagation of computer viruses and the generation of sustained high-volume network traffic
- Sending or forwarding confidential information of the Council without the consent of the originator of the email. (if you are unsure, contact the Clerk before taking action)
- Sending or forwarding attachments of such size or arrangement as to cause disruption to the Council"s network

7. PERSONAL EMAIL USE

The use of Bursledon Parish Council email and electronic tablets for personal purposes is not permitted.

Email Awareness

Email is not a secure method of transmission – it should not be assumed that any email communication is secure or private. Users should take this into account particularly when emailing confidential or sensitive information.

8. EMAIL BEST PRACTICE

Ensure that each email has a specific target audience.

- Be selective, especially when deciding who should be copied in on an email. This ensures that only those who really require the information receive it and avoids wasteful emails and wasted time/resources.
- If you are copying in a recipient(s) who you think have not given permission for their email to be circulated use Bcc to protect their information
- The circulation of emails with attachments to large groups should be avoided.
- When sending emails to a large number of people the recipients" addresses should be entered into the BCC (blind copy) field. Users should contact the Council offices if assistance is required
- Emails should not be kept in separate folders in an individual's folder list longer than is necessary, if at all.
- Time should be set aside on a regular basis for "housekeeping", in order to delete old or unwanted items from mailboxes. This is essential in order to ensure the efficient operation of the email system and helps to keep mailboxes organised and ensure that councils GDPR retention policy is

	complied with. • The Inbox, Sent Items" and Deleted Items" folders should be examined as part of a housekeeping routine, performed at a minimum frequency of once a month. Contact the council' offices for assistance if you are unsure of how to complete any of the processes described in this policy.
9 EMAIL ETIQUETTE	
	• Email is all about communication with other people, and as such some basic courtesy should be observed. • Always include a subject line in your message • When replying to an email, include enough of the original message to provide a context • An email signature is a good way of providing detail of who is sending the email, and the details of how to respond • Consider the tone and language used, and the use of plain English. When sent externally emails represent and reflect upon the Council • Avoid using capitals throughout as this is equivalent to shouting
DATABASE USAGE	
	In accordance with the Data Protection Act, no personal details/data from any contacts databases e.g. Parish Council Contacts should not be given out to external parties at any time. No personal data/databases should be kept on any storage facility e.g. CD"s, DVD"s 3 ¼" discs, USB"s laptops or personal home-based computers, as this could result in legal action from third parties.
ACCESS CONTROL AND MONITORING	
	The following will apply when the services are accessed from the Council"s network. Email Monitoring The Council monitors email activity, so that compliance with this policy and other relevant policies and regulations can be effectively managed.
EMAIL VIRUSES	
	Continuous virus checking of all incoming email will take place. However, it is possible that a new virus may not be detected by the Council's virus scanner and users should be wary of opening attachments to emails from an unknown source; in particular attachments with names ending in "exe" should not be opened. If you receive notification of a virus via chain email do not forward to anyone.

	Advise the Council office of the details who will investigate the virus threat. If in any doubt, do not open and contact the Council offices
	EMAIL FILTERING
	Users should note that the Council"s Internet Services Provider, filters incoming email for porn and spam as well as scanning for email viruses.

BURSELDON PARISH COUNCIL

Email, Internet and Computer System Use Policy ACCEPTANCE SLIP

I have received, read and understood the Council"s Email, Internet and Computer Use Policy. I understand that: -

- My use of Bursledon Parish Council email will be monitored for management and security purposes.
- If I use my own computer/laptop/tablet for council business I confirm I am responsible for ensuring I comply with IT security and data protection as required under the General Data Protection Regulations.
- If I have use of a Council electronic tablet, I acknowledge that it is for my personal use only.
- I confirm that I will only use it for Council business and will not use it for any other purpose or allow it to be used by other persons not authourisd by the council.
- The Council monitors email activity, so that compliance with this policy and other relevant policies and regulations can be effectively managed
- Breaches of the policy may result in action being taken against me by the Information Commissioners Office and /or under the Council Code of Conduct.

Signed .....

Name .....

Date .....

Please return completed forms to the Clerk, Bursledon Parish Council Offices