

Rowlands Castle Parish Council

11 The Green, Rowlands Castle PO9 6BW

Email: clerk@rowlandscastlepc.org.uk Tel: 02392 413044 Website: www.rowlandscastlepc.org.uk

STANDING ORDERS

Adopted at the Annual Meeting of the Council on 13 May 2024

NB: These Standing Orders (SOs) are subject to the statutory requirements imposed on Parish Councils, which take precedence over said SOs. Reference to 'written' communications includes those received by electronic means. SOs in bold type indicate those included in NALC's Model Standing Orders of 2018, revised in 2022, and which are considered statutory requirements.

From May 2024, Council's Financial Regulations form a separate document to these SOs.

The Council's Role

1. It is the duty of the Parish Council to serve the communities of Rowlands Castle, Finchdean and Idsworth, to seek the best interests of their residents as a whole and to care for the amenities and resources entrusted to it. All private interests must be subjugated to those of the community as a whole.
2. The Council is the decision-taking Authority. The Council is supported by the Clerk as its Executive Officer, also described as "Proper Officer", who is normally the Responsible Financial Officer as well. The Clerk's role is to guide, advise and warn the Council as appropriate; to implement the Council's decisions; to achieve efficiency in the Council's operations; to liaise effectively with other bodies and stakeholders on behalf of the Council; and to ensure the accountability of the Council.

Membership of the Council

3. At present, Council members are elected every fourth year and hold office until the following local elections. Vacancies not filled at the local election, and casual vacancies occurring during the life of the Council, will be advertised in accordance with By-Election regulations. Should no by-election be requested by the requisite number of electors, the vacancy may be filled by the Council in accordance with its Policy on the Co-option of Councillors.
4. Eligible persons wishing to offer themselves as a candidate to fill a casual vacancy are encouraged to communicate with the Clerk in the first instance. Prospective candidates will be provided with a copy of the aforementioned Policy upon request. If they wish to pursue their offer, the procedure detailed in the Policy will be instigated. This will involve an opportunity for a prospective candidate(s) to meet with the Clerk and the Chair in the first instance before they submit a formal Application as detailed in the Policy. Upon receipt of such an application, a prospective candidate(s) will be invited to an informal meeting with members before a decision whether to elect them to the Council is considered at the next suitable meeting of the Council. Voting may be by paper ballot at the discretion of the Chair or at the request of any two other Councillors.
5. The Council may, at its discretion, co-opt up to three non-councillor members to any committees or working groups that do not have delegated powers to take decisions on behalf of the Council.

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6. Members may resign by notice in writing to the Chair. Should a member fail to attend Council meetings to which they have been summoned, without the formal approval of the Council for their absence, for six calendar months, they automatically lose their membership of the Council.

Conduct of Councillors

7. Members are required to conduct themselves at all times in accordance with the Code of Conduct in force at the time. No councillor shall, at a meeting, disregard the ruling of the Chair or a majority of members present and voting, wilfully obstruct Council business or behave irregularly, offensively or improperly. Councillors are expected at all times not to act in such a manner as to bring the Council into contempt, disrepute or ridicule.
8. Councillors are required to speak and act independently and to work collegially with each other. In their actions, they shall adhere to all elements of the Code of Conduct as adopted by the Council. They are required to respect the confidentiality of all matters that may be so disclosed to them.
9. **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 them. Such action excludes disqualification or suspension from office.**
10. No councillor or committee member shall disclose to any other person, any confidential matter or business until the Council agrees that confidentiality can be lifted.
11. The Council has various policies and protocols, including those relating to human relations, which are also to be followed. Other policies relating to the activities of the Council and its members may be introduced from time to time and shall also be respected by all members.
12. Each member is required to complete a Register of Interests, which is to be reviewed and updated at least annually. It will be forwarded to the Monitoring Officer at EHDC for registration. A copy will also be held on file in the Parish office which will be available for public inspection on request.
13. **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 their right to participate and vote on that matter.**
14. **'Dispensation' requests** to relax any statutory limitation or restriction on voting **shall be in writing and submitted to the Clerk** as soon as possible before the Meeting, or failing that, at the start of the Meeting for which the dispensation is required. A decision as to whether to grant a dispensation shall be made by the Clerk or Council, and that decision is final.
15. **A Dispensation may be granted in accordance with SO 14 if, having regard to all relevant circumstances, the following applies:**

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- i) **Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or**
 - ii) **Granting the dispensation is in the interests of persons living in the Council's area, or**
 - iii) **It is otherwise appropriate to grant a dispensation.**
16. Councillors must take personal responsibility for disclosing any personal and/or pecuniary interests in relation to any matters involving the Council. In approaching any matter requiring a Council decision, councillors must ensure that their prior actions or comments do not leave them open to allegations that their minds were already made up. (DCLG's *A Guide for Councillors: Openness and transparency on personal interests* is contained in an Annex to these SOs).
17. The canvassing of councillors or members of a Committee or sub-Committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion. Nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment. This SO shall apply to tenders as if the person making the tender were a candidate for an appointment.
18. If, in the opinion of the Chair or any two other councillors, a councillor has engaged in such misconduct as set out in paras 8 and/or 9 above, a resolution may be moved that the councillor named be no longer heard or that the Councillor named be required to leave the meeting. If this is not obeyed, the Chair or a majority of members present and voting may adjourn the meeting or take such other steps as may be necessary to enforce the motion.
19. Unless authorised by resolution or by the Clerk, no individual councillor (including the Chair) shall in the name or on behalf of the Council, a committee or working group: inspect any land and/or premises which the Council has a right or duty to inspect, or issue orders, instructions or directions.

Ordinary Meetings of the Council

20. **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**
21. **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.**
22. **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
23. **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.**

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24. **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.**
25. **The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.**
26. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they 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.**
27. **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they 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.**
28. **Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the Annual Meeting in an election year, the business shall include 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, the business shall include delivery by the Chair of the Council of their Acceptance of Office form unless the Council resolves for this to be done at a later date.**
29. **Subject to SOs which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
30. **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.**
31. **In addition to the Annual Meeting of the Council, at least 3 other ordinary meetings shall be held in each year on such dates and times as the Council decides. Meetings of the Full Council shall normally be scheduled to take place on a monthly basis, excluding special or extraordinary meetings that may need to be called at short notice. The Schedule of Meetings for the forthcoming Council year shall be agreed at the Annual Meeting of Council. While Council meetings are currently scheduled for Monday evenings, this arrangement may be varied to reflect the convenience of Council members as a whole, and also the availability of suitable accommodation.**
32. **The Notice of Council meetings, in the form of an Agenda confirming date, time, venue and the business to be transacted, shall be publicly displayed and sent by the Clerk, to all councillors, a minimum of three clear days (including Saturdays but excluding the day on which the Notice was issued, the day of the Meeting, Sundays,**

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a day of the Christmas or Easter break, bank holidays or a day appointed for public thanksgiving or mourning) before the date of the scheduled meeting.

33. Normally, councillors will receive all papers (by e-mail unless otherwise requested) relating to the business to be transacted at the meeting with the Agenda. An invitation to attend each meeting of the Full Council shall also be sent to the District and County Councillors representing its electoral wards/divisions.
34. The preparation of the Agenda for Council meetings is primarily the responsibility of the Clerk, in consultation with the Council Chair. Any councillor may request the Clerk to include an item on an Agenda for a Council meeting by giving notice in writing, with a supporting paper (if appropriate), not less than 7 calendar days before the scheduled meeting.
35. No business shall be transacted that is not clearly shown on the Agenda for the relevant meeting. This does not, however, preclude matters being raised for information or for future consideration by the Council.
36. **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. 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.
37. Members who are absent or disqualified by virtue of a prejudicial interest in an item are excluded from the quorum. There is no provision for proxy voting.
38. **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, if any, are absent from a Meeting, a councillor as chosen by the councillors present at the Meeting shall preside at the Meeting.** Such acting Chairs shall have all the powers of the Chair for the duration of that meeting.
39. The ruling of the Chair shall be binding and final on all procedural matters and points of order. The Chair may, at their discretion, limit the length of individual contributions on any agenda item, whether those contributions are by members of the public in open forum or individual councillors.
40. **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**, such as matters of legal proceedings, staff employment, the position of an individual councillor, consideration of competitive tenders or other issues of commercial sensitivity. **The public's exclusion from part or all of the Meeting shall be by a Resolution which shall give reasons for the public's exclusion.** The agenda and minutes of the previous meeting will be made available to members of the public at the Meeting.
41. Members of the public (including District and County Councillors) do not have a right to speak at a Council meeting unless the Council authorises this. It is however customary for

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Council meetings to make provision for an Open Forum, normally limited to 15 minutes, at which members of the public may raise any matter relating to the Council's work. This is not a question-and-answer session and there is no obligation on the Chair, the Clerk, or other Councillors to reply.

42. The Full Council Agenda will normally include provision for delegates' reports, at which County and District Councillors, the police and representatives of other stakeholder organisations, may provide information. In the interests of efficiency in the use of time in Council meetings, and in order that councillors shall have the opportunity to consider matters reported upon, all delegates are strongly urged, wherever possible, to provide their reports in writing in advance of the meeting.
43. **Subject to a Meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
44. Motions and amendments moved by one councillor shall be formally seconded by another in order to be debated or voted upon by those with voting rights. **Unless SOs provide otherwise, voting on a question or resolution 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 their vote for or against that question or resolution.** Such a request shall be made before moving on to the next item of business on the Agenda.
45. **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 their casting vote, whether or not they gave an original vote.**
46. No resolution passed within the previous six calendar months shall be rescinded or amended unless:
 - a) Prior notice to that effect, signed by two councillors and with a supporting paper explaining the reasons, has been submitted no less than seven days before the next scheduled meeting; and
 - b) The motion to rescind has been published on the agenda and the supporting paper sent to all members of the Council. The previous resolution may then be rescinded or varied, provided at least two-thirds of the members present vote in favour of the motion.
47. **Subject to SO 48, 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. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
48. **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.**

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49. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If, in the opinion of the Chair or a majority of members present and voting, there has been a breach of this SO, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded where required, shall be put forthwith and without discussion. If a resolution made in accordance with this SO is disobeyed, the Chair (or a majority of the councillors or councillors with voting rights present and voting) may take such further steps as may reasonably be necessary to enforce it, including to adjourn the meeting.

Extraordinary Meetings of the Council

50. **The Chair of the Council may convene an Extraordinary Meeting of the Council at any time, providing the requisite notice is given.**
51. **If the Chair of the Council does not, or refuses to, call an Extraordinary Meeting of the Council within 7 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, date, place and agenda for such a meeting must be signed by the two councillors.**

Minutes

52. Council Minutes shall be a formal record of official acts and decisions set out in a form in accordance with guidelines in the book *Local Council Administration*. They should be as short as is consistent with clarity and accuracy. While the main priority is to state clearly the decision reached, it may also be helpful, where major decisions have been taken, to record the main arguments and considerations leading to the particular decision.
53. Final responsibility for producing the Minutes and presenting them for approval at the next meeting is vested in the Clerk. A draft of the Minutes shall be sent to each councillor and posted on the Council's public notice boards within 14 days of each meeting. They should be clearly marked as awaiting formal approval at the next meeting of the Full Council. If at all possible, councillors with comments about the draft Minutes should send them to the Clerk in advance of the next meeting in order that such comments may be carefully considered.
54. When minutes of the previous meeting are presented, no discussion shall take place other than on their accuracy.
55. Reports on Matters Arising from the previous minutes will normally be in the form of a (written) progress report on actions taken. This will normally be the responsibility of the Clerk, though individual councillors may be asked to contribute where a particular action has been delegated to them.

Committees and Working Groups

56. The Council may, appoint such committees, or less formal working groups, as it believes will aid it in the efficient discharge of its responsibilities. The identity and terms of

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reference of each committee or working group will be agreed at a Council Meeting and will take immediate effect.

57. Any duly-appointed committee shall consist of no fewer than four councillors. The Council Chair and Vice Chair (if any) will be ex-officio members of each committee, except the Staffing & Remuneration Committee, but will not count among the four nominated councillors. The quorum for each committee shall be three members (including where appropriate the Chair and Vice Chair).
58. Each Committee shall appoint its own Chair and, if deemed desirable, a Vice Chair.
59. **Unless the Council determines otherwise, a committee may appoint a sub-committee, the terms of reference and members for which shall be determined by the committee.**
60. **The members of a committee may include non-councillors unless it a committee which regulates and controls the finances of the Council.**
61. In view of the urgency with which some planning matters have to be determined, any Committee appointed to deal with planning issues shall consist solely of councillors and shall have delegated authority to take decisions on behalf of the Full Council. Otherwise, executive powers continue to reside with the Full Council.
62. The minutes of all committees shall be submitted to the Council for ratification. Such minutes shall clearly show all recommendations for which Council approval is required.
63. Subject to the above provisions, all SOs and Rules of Procedure as set out for the Council shall apply equally to the Council's committees.
64. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

Proper Officer

65. 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 Office is absent.
66. The Proper Officer shall:
 - i) **At least 3 clear days before a meeting of the Council, a committee or 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 councillors has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii) **Convene a meeting of the Council for the election of the new Chair of the Council, occasioned by a casual vacancy in their office;**

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- iii) **Facilitate inspection of the Minute Book by local government electors;**
- iv) **Receive and retain copies of byelaws made by other local authorities;**

The Clerk

- 67. As the Proper Officer of the Council, the Clerk is authorised to convey to other agencies, and otherwise to implement, the decisions of the Council. As well as authority to spend a specified sum without the need for recourse to the Council for prior approval (see Financial Regulations section above), the Clerk is authorised to arrange for minor works of repair and maintenance to be put in hand.
- 68. **The Clerk shall serve on councillors, by delivery or by post to their residences or by email authenticated in such manner as the Clerk thinks fit, a signed summons to a Meeting of the Council or a Meeting of one of its Committees or sub-Committees, in accordance with the requisite notice detailed in SO 32, confirming the time, place and the agenda (provided the councillor has consented to receive by email).**
- 69. **The Clerk shall provide, in a conspicuous place, public notice of the time, place and agenda of a meeting of the Council or a meeting of one of its committees or sub-committees, in accordance with the requisite notice details in SO 32 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- 70. **The Clerk shall convene a Meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office.**
- 71. **The Clerk shall facilitate inspection of the minute book by local government electors,**
- 72. **The Clerk shall receive and retain copies of byelaws made by other local authorities.**
- 73. The Clerk should record in broad outline the number of contacts from members of the public and the issues they raise. This, together with details of any expenditure incurred or other work put in hand by the Clerk acting under delegated authority, should be reported to the Council for note on a monthly basis.
- 74. The Clerk is also the main source of information to be conveyed to third parties regarding all Council-related matters. There may, however, be occasions when it might be appropriate for an individual councillor to deal with particular issues, subject to approval of the full Council, noting that the Council cannot delegate the performance of its statutory and legal responsibilities to an individual councillor. An example might be when it is resolved that a particular councillor will be the Council's representative at an external meeting. In such circumstances, a decision as to who should speak on behalf of the Council will be taken by the Council as a whole. Other councillors should not normally give interviews to the press or make written representations to other bodies on Council matters. Where an exception may be called for, councillors should consult the Clerk. This does not preclude the rights of councillors to raise any matters with relevant authorities arising out of potential breaches of the Code of Conduct or in relation to possible illegality.

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Staff Matters

75. Line Management of the Clerk will be the responsibility of the Staffing & Remuneration Committee. The Clerk will be the line manager for other staff employed by the Council.
76. The performance of the Clerk will be appraised annually by a minimum of 2 members of the Staffing & Remuneration Committee. Other staff members, who may be required to attend Council meetings, will be appraised annually by their line manager and one (other) councillor. Remaining staff members will be appraised by the Clerk. Following this, a confidential report should be made to the Council, together with any proposals for adjustment to remuneration levels, hours of work, etc.
77. Notwithstanding other discussions on such matters, the Clerk shall provide Council with an annual Confidential Note of all Council staff rates of pay, contracted hours of work and any other significant aspect of employment terms. This Note is to be provided either at the beginning of the Council's financial year, at the Annual Meeting of Council or when the budget for the forthcoming year is being finalised.

Management of, and Responsibilities to Provide, Information

78. **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.**
79. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's Retention Policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (eg the Limitation Act 1980).**
80. **The agenda, papers that support the agenda and minutes of a meeting shall not disclose or otherwise undermine confidential information personal data without legal justification.**
81. **Councillors, staff and Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
82. **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.**

Responsibilities under Data Protection Legislation

83. The Council may appoint a Data Protection Officer.
84. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
85. **The Council shall have a written policy in place for responding to and managing a personal data breach.**

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86. **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and remedial action taken.**
87. **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.**
88. **The Council shall maintain a written record its processing activities.**

Execution and Sealing of Legal Deeds

89. A legal Deed shall not be executed on behalf of the Council unless authorised by a resolution.
90. **Subject to SO 113, any two councillors may sign, on behalf of the Council, any Deed required by law and the Clerk shall witness their signatures.**

Modification and Review

91. These SOs will be kept under review by the Clerk, who will report to the Council at least annually as to whether public policy, evidence of best practice, or the specific requirements of the Council for the efficient discharge of its business, point to the desirability of any amendment.
92. A motion to add to or vary or revoke one or more of the Council's SOs, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice of which should be made to the Clerk by at least two councillors within 7 calendar days of the Meeting.
93. All or part of an SO, except where required by law, may be suspended by Resolution if good cause can be shown in relation to any specific Council matter or Agenda item. Such suspension may only take place if two-thirds of the members present vote in favour.

Appendices available on RCPC website and/or hard copy upon request:

- a) RCPC Code of Conduct for Councillors (adopted Feb 2023)
- b) RCPC Co-option of Councillors Policy (adopted May 2020, reviewed Feb 2021)
- c) RCPC Tree Policy (adopted Oct 2017, reviewed Dec 2021)
- d) RCPC Advertising on The Green Policy (adopted May 2012, reviewed Nov 2021)
- e) RCPC Complaint Handling Procedure (adopted July 2017, reviewed June 2022)
- f) RCPC Protocol for Reporting at Meetings (adopted May 2015)
- g) RCPC General Privacy Policy (adopted June 2018, reviewed Sept 2020)
- h) RCPC Privacy Notice for staff, cllrs etc (adopted June 2018, reviewed Sept 2020)
- i) RCPC Information and Data Protection Policy (adopted June 2018, reviewed Oct 2020)
- j) RCPC Operating Framework (adopted May 2017, reviewed Nov 2020)
- k) RCPC Policy regarding Sale of any RCPC-owned Land (adopted Dec 2018)
- l) RCPC Surveillance Camera System Policy (adopted Oct 2022, reviewed May 2024)
- m) RCPC Safeguarding Policy (adopted Sept 2023)
- n) DCLG's *A Guide for Councillors: Openness and transparency on personal interests*
- o) Various human-resources related policies

Circulation: All RCPCllrs + RCPC website + Minutes file, Info file, Standing Orders file