



## SEDLSCOMBE PARISH COUNCIL STANDING ORDERS AS AMENDED 11/09/07

### 1. CHAIRMAN OF THE MEETING

*The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.*

### 2. PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the proper officer of the council, in the following cases, he/shall be the clerk

- 2.1 To receive declarations of acceptance of office.
- 2.2 To receive and record notices disclosing pecuniary interests.
- 2.3 To receive and retain plans and documents.
- 2.4 To sign notices or other documents on behalf of the Council.
- 2.5 To receive copies of byelaws made by a district council
- 2.6 To certify copies of byelaws made by the Council.

### 3. QUORUM

Three members shall constitute a quorum, but a motion to suspend standing orders shall not be moved without written notice signed by twice as many members as constitute a quorum.

4. If a quorum is not present when the Council meets, or if during a meeting the number of councillors present fall below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

### 5. VOTING

Members shall vote by show of hands, or if at least two members so request by signed ballot.

### 6. RECORD OF VOTING

*If a member so requires, the Clerk shall record the name of the members who voted on any question so as to show whether they voted for, against or abstained.*

### 7. CHAIRMAN'S VOTE

*7.1 Subject to 7.2 and 7.3 below the Chairman may give an original vote on any matter put to the vote.*

*7.2 Subject to 7.3 below the Chairman may not give an original vote in the election of the Chairman on any occasion when he will himself immediately after such election retire from the Council.*

*7.3 In any case of an equality of votes, the Chairman may give a casting vote and must by law give a casting vote where there is an equality vote in the election of Chairman.*

### 8. ORDER OF BUSINESS

At each Annual Meeting the first business shall be

- 8.1 To elect a Chairman
- 8.2 To receive the Chairman's Declaration of Acceptance of Office, or if not then received, to decide when it shall be received.
- 8.3 To elect a Vice-Chairman.
- 8.4 To appoint school managers.
- 8.5 To appoint statutory or standing committees and representatives.
- 8.6 To consider the payment of any subscriptions falling to be paid annually.

9. *At every meeting other than the Annual meeting, **THE FIRST BUSINESS** shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.*

10. After the first business has been completed, **THE ORDER OF BUSINESS**, unless the Council otherwise decides on the ground of urgency, shall be as follows:

10.1 To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

10.2 *After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record.*

10.3 To deal with matters arising from the Minutes.

10.4 *To deal with business expressly required by statute to be done.*

10.5 To receive such communications as the presiding Chairman may wish to lay before the Council.

10.6 To answer questions.

10.7 To dispose of business, if any, remaining from the last meeting.

10.8 To receive and consider reports and minutes of committees and advisory committees.

10.9 To receive and consider reports from officers of the Council and reports from representatives.

10.10 To authorise the signing of orders for payment.

10.11 To consider motions or recommendations in the order in which they have been notified.

10.12 Any other business specified in the summons.

#### **11. A MOTION TO VARY THE ORDER OF BUSINESS ON THE GROUND OF URGENCY**

11.1 may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

11.2 shall be put to the vote without discussion.

#### **12. MOTIONS MOVED ON NOTICE**

Except as provided by these Standing Orders, no motion may be moved unless notice of its subject has been delivered to the Clerk not later than 12 noon on the Tuesday in the week before the next meeting of the Council, and the subject has been included on the agenda.

13. If the subject matter of a motion comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

#### **14. MOTIONS MOVED WITHOUT NOTICE**

Motions dealing with the following matters may be moved without notice:

14.1 To appoint a Chairman of the meeting.

14.2 To correct the Minutes.

14.3 To approve the Minutes.

14.4 To alter the order of business.

14.5 To proceed to the next business.

14.6 To close or adjourn the debate.

14.7 To refer a matter to a committee.

14.8 To appoint a committee or any members thereof.

14.9 To adopt a report.

14.10 To amend a motion.

14.11 To give leave to withdraw a motion or an amendment.

14.12 To consider otherwise than in committee a question affecting an employee of the Council.

14.13 To exclude the press.

14.14 To exclude the public.

14.15 To silence or eject from the meeting a member named for misconduct.

14.16 To invite a member having an interest in the subject matter under debate to remain.

14.17 To give the consent of the council where such consent is required by these Standing Orders.

#### **15. RULES OF DEBATE**

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

16. 16.1 A motion or amendment shall not be discussed unless it has been proposed, and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

16.2 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

16.3 An amendment shall be either:

16.3.1 to leave out words.

16.3.2 to leave out words and insert or add others;

16.3.3 to insert or add words.

16.4 An amendment shall not have the effect of negating the motion before the Council.

16.5 If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

16.6 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

16.7 When a motion is under debate, no other motion shall be moved except the following:

16.7.1 To amend the motion.

16.7.2 To proceed to the next business.

16.7.3 To adjourn the debate.

16.7.4 That the question be now put.

16.7.5 That a member named be not further heard.

16.7.6 That a member named do leave the meeting.

16.7.7 That the motion be referred to a committee.

16.7.8 To exclude the public or the press or both.

16.7.9 To adjourn the meeting.

17. 17.1 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

17.2 Members shall address the Chairman.

## **18. CLOSURE**

At the end of any speech a member may without comment move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion.

## **19. DISORDERLY CONDUCT.**

19.1 No member shall misconduct himself/herself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

19.2 If, in the opinion of the Chairman, a member has so misconducted himself, the Chairman express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

19.3 If either of the motions mentioned in 19.2 is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## **20. ALTERATION OF MOTION**

A member may, with the consent of his seconder, move amendments to his own motion.

## **21. RECISION OF PREVIOUS RESOLUTION**

21.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the name of at least three members of the Council.

21.2 When a special resolution has been disposed of, no similar motion may be moved within a further six months.

## **22. VOTING ON APPOINTMENT**

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## **23. DISCUSSION OF RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded.

## **24. EXPENDITURE**

*24.1 Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.*

24.2 A written estimate of the expenditure recommended for the coming year shall be submitted, by the Clerk, to the Council at its meeting during the last quarter of the year (after approval by the Finance Committee).

## **24a. PUBLIC PARTICIPATION**

At all meetings of the Council, the Chairman **may** at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 15.05.07 shall apply to members of the Council in respect of the entire meeting.. Where, however, members of the Council exercise their rights pursuant to standing order 24b below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. *(Added 11/09/07 C07/08.46.2.2)*

## **24b. PARTICIPATION BY PREJUDICED PARISH COUNCILLORS**

At all meetings of the Council, the Chairman may permit members of the Council (including co-opted members as defined by s.49(7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 15/05/07 shall apply to members of the Council in respect of the entire meeting. *(Added 11/09/07 C07/08.46.2.3)*

## **25. COMMITTEES AND SUB-COMMITTEES**

25.1 The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf -

25.1.1 shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and

25.1.2 may at any time dissolve or alter the membership of a committee.

25.2 The Chairman and Vice Chairman of the Council shall be full members of every Committee with voting rights.

*25.3 All members of the finance committee must be Council members.*

25.4 Every committee shall at its first meeting before proceeding to any other business, elect a chairman who shall hold office until the next Annual Meeting of the Council.

25.5 The chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be Summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

25.6 Every committee may appoint sub-committees for purposes to be specified by the committee.

25.7 The chairman of the committee shall be a member of every sub-committee appointed by it unless he signifies that he does not wish to serve.

25.8 The quorum of a committee shall be one half of its members.

25.9 The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

## **26. ADVISORY COMMITTEES**

The Council may, if considered necessary, appoint advisory committees, which may consist wholly of persons who are not members of the Council.

## **27. VOTING IN COMMITTEES**

*Chairman of committees and sub-committees shall have a second or casting vote.*

## **28. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.

29. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he is not a member.

## **30. FINANCIAL STATEMENT**

The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year a statement of income and expenditure.

## **31. INTERESTS**

A member must observe the Code of Conduct for Members regarding interests as adopted by Sedlescombe Parish Council on 15 May 2007. (*Amended 11/09/07 C07/08.46.2.1*)

## **32. CANVASSING OF AND RECOMMENDATION BY MEMBERS**

32.1 Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

32.2 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

32.3 Standing Order 33.1 only, shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **33. UNAUTHORISED ACTIVITY**

Any action taken by the Chairman, not authorised by the Council, shall be recorded in the Clerk's Report.

## **34. ADMISSION OF PUBLIC AND PRESS TO MEETINGS**

*The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or press or both by means of the following resolution:*

"That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the (press) (public and press) (public) be temporarily excluded and they are instructed to withdraw."

35. If a member of the public interrupts in an irregular manner the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting.

### **36. CONFIDENTIAL BUSINESS**

No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

### **37. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor for the ward.

**38.** Unless the Council otherwise orders, a copy of each relevant letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or the District Councillor for the ward as the case may require.

### **39. PLANNING APPLICATIONS**

The Clerk shall refer every planning application to the Chairman of the Planning Committee or in his absence to the Chairman of the Council within 48 hours of receiving notice of it.

### **40. STANDING ORDER ON CONTRACTS**

Where it is intended to enter into a contract:

40.1 Exceeding £750 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 below, the RFO shall invite tenders from, wherever practicable, at least three firms, such firms to be taken from the SPC-approved list.

Such invitation to tender shall state the general nature of the intended contract and the RFO 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 RFO and the last date by which such tenders should reach the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

40.2 For expenditures of £750 or less in value the chairman of the Finance Committee and the RFO, or their duly authorised deputies, shall have executive power.

40.3 For expenditures of £750 or less in value, where a parish councillor could be employed, the RFO shall obtain a quotation from at least one other SPC-approved contractor and shall, on receipt of the quotations and with approval of the Chairman of the Finance Committee, accept the lowest quotation.

The Council is not obliged to invite tenders for the following

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

Every exception made by a Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.

All sealed tenders shall be opened at the same time on the prescribed date by the Chairman of the Finance Committee or the RFO in the presence of the Finance Committee. Record of tenders to be signed and retained by the RFO.

If less than three tenders are received for contracts valued above £750 or if all the tenders are identical the Finance Committee may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

The Finance Committee/Council shall not be obliged to accept the lowest or any tender.

#### **41. STANDING ORDERS**

Any part of the Standing Orders, except those in italics, may be suspended by resolution in relation to any specific item of business.

**42.** A motion permanently to vary or revoke a Standing Order shall, when moved and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**43.** A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.

#### **44. OPEN FORUM**

Time prior to Council meetings proper be allotted to the public for the purpose of bringing to the attention of councillors matters of interest or affairs within the Village for the Council's later consideration.

#### **45. TIME**

All Council business shall terminate at 22.00 hours. Any outstanding items shall be carried over to an extraordinary meeting or suspend this standing order.

#### **46. CODE OF CONDUCT ON COMPLAINTS**

Complaints from the public or referred back from other bodies will fall into one of three categories ie:

1. complaint about an individual councillor
2. complaint about the Clerk/Responsible Financial Officer
3. complaint about the Council's procedures or administration

##### **1. COMPLAINT ABOUT AN INDIVIDUAL COUNCILLOR**

Complaints about a councillor are now subject to the jurisdiction of the Standards Board. The Standards Board for England was set up by the Local Government Act 2000 as an independent body who could investigate written complaints of councillors' misconduct in local government. The Board's investigators, known as Ethical Standards Officers (ESOs), have extensive powers, allowing them to investigate matters thoroughly and without bias. There is no charge for the service.

Parliament has approved Model Codes of Conduct for members of local authorities. The authorities must draw up their own codes based on the model code and all members of the authority must sign up to them. Code of Conduct adopted by Sedlescombe Parish Council on 12/03/02. All members have signed up to the Code.

For the Standards Board to consider a complaint, it must be

- In writing
- About a member of one of the listed authorities
- About misconduct

Anyone who reasonably believes that a member has broken the Code of Conduct can make a complaint. They do not have to have been directly affected by the action to make a complaint. It is unlikely that the complainant's identity can be kept confidential.

The following are examples of behaviour that breach the Model Code of Conduct. These include where a member has:

- unlawfully discriminated against someone, failed to treat people with respect, or done something to prevent those who work for the authority from being unbiased;
- revealed information that was given to them in confidence, or stopped someone getting information they are entitled to by law;
- damaged the reputation of their office or authority;
- used their position improperly, to their own or someone else's advantage or disadvantage;

- misused the authority's resources;
- allowed the authority's resources to be misused for the activities of a registered political party;
- failed to report another member's misconduct to the Standards Board;
- failed to register financial or other interests;
- failed to reveal a personal interest at a meeting;
- taken part in a meeting or made a decision where they have an interest that is so significant that it is likely to affect their judgement;
- failed to tell the authority's Monitoring Officer about any gifts or hospitality they have received in their role as a member, worth over £25.

Only complaints about individual members, not the authority as a whole, can be investigated.

Complaints forms can be obtained from The Standards Board for England, PO Box 36656, London SE1 0WN, Tel: 0800 107 2001, e-mail: [referrals@standardsboard.co.uk](mailto:referrals@standardsboard.co.uk). See website [www.standsboard.co.uk](http://www.standsboard.co.uk)

## **2. COMPLAINT ABOUT THE CLERK/RESPONSIBLE FINANCIAL OFFICER**

This type of complaint will be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally and appropriate action taken as required. Details of action taken will be communicated to the complainant.

## **3. COMPLAINTS ABOUT THE COUNCIL'S PROCEDURES OR ADMINISTRATION**

### **CODE OF PRACTICE ON HANDLING COMPLAINTS**

#### **NOTIFICATION OF COMPLAINT**

1. If the complaint about procedures or administration is notified orally to a councillor or the Clerk and it is not possible to satisfy the complainant fully forthwith, the complainant shall be asked to put his/her complaint in writing to the Clerk.

#### **NOTIFICATION TO CHAIRMAN RATHER THAN THE CLERK**

2. If the complainant indicates that he would prefer not to put the complaint to the Clerk, he shall be advised to put it to the Chairman.

#### **ACTION ON RECEIPT OF COMPLAINT**

3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.

#### **PROVISION OF EVIDENCE**

5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

#### **AT THE MEETING – EXCLUSION OF PUBLIC AND PRESS**

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.

#### **AT THE MEETING - PROCEDURES**

7. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, Clerk to explain the Council's position.
12. Members to ask any question of the Clerk.
13. Clerk and complainant to be offered opportunity of last word (in this order).
14. Clerk and complainant to be asked to leave room while members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back.)
15. Clerk and complainant (and public and press, if any) return to hear decision, or to be advised when the decision will be made.

#### **AFTER THE MEETING – DECISION CONFIRMATION**

16. Letter to be sent to the complainant within seven working days confirming the decision together with details of any action to be taken.

**47. SEAL - USE AND STORAGE**

48.1 The Council's seal is to be stored safely.

48.2 Use of the seal must be authorised by resolution of the full Council.