

SEDLESCOMBE PARISH COUNCIL STANDING ORDERS

NOVEMBER 2010

INDEX

1	Meetings	3
2	Disorderly Conduct	5
3	Ordinary Council Meetings	6
4	Extraordinary Meetings	7
5	Proper Officer	7
6	Code of Conduct	9
7	Allegations of breaches of Code	10
8	Motions	10
9	Minutes	11
10	Expenditure	12
11	Estimates/precepts	12
12	Accounts and Financial Statement	12
13	Committees	13
14	Advisory Committees	14
15	Canvassing of recommendations by councillors	14
16	Execution and sealing of legal deeds	14
17	Inspection of documents	14
18	Unauthorised activities	15
19	Confidential business	15
20	Matters affecting council employees	15
21	Power of well-being	15
22	Freedom of Information Act 2000	16
23	Relations with press/media	16
24	Variation/revocation/suspension of standing orders	16

1. 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 **Three clear days notice of a meeting shall be made to councillors and the public. The 3 days shall exclude 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 shall not count.**
- c The Council's Proper Officer shall serve notice of meetings, bearing his/her name, on councillors and the public by posting the agenda on the website of Sedlescombe Parish Council and by placing a copy of the agenda on the Council's notice board in the Village.
- d In addition, councillors will be sent a link to the electronic copy of the agenda and asked to confirm receipt. If required, councillors should make special arrangements with the Clerk to receive hard copies of the agenda delivered to their homes.
- e Copies of previous Minutes and Reports relevant to the agenda should be accessed through the electronic agenda.
- f A link to the electronic agenda should also be sent to the County Councillor, District Councillor and PCSO for the parish.
- g **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.**
- h Subject to the chairman's discretion, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda of any council or committee meeting.
- i Unless the chairman specifies otherwise, each member of the public will be limited to two minutes to make representations and the total time for such representations by members of the public shall not exceed twelve minutes in respect of each item.
- j Where the item concerns a planning or licensing application, the rule in paragraph 1(i) is modified to allow objectors two minutes each subject to an overall limit of six minutes, applicants and supporters two minutes each subject to an overall limit of six minutes.
- k A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate and members should not enter into debate with

members of the public.

- l The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- m A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- n A person shall raise his hand when requesting to speak and remain seated when speaking.
- o Any person speaking at a meeting shall address his comments to the Chairman.
- p Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- q **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- r **The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- s **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- t **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- u **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.** Provided that a quorum is present, it is immaterial that a quorum of members takes part in the voting.
- v **The chairman may give an original vote on any matter put to the vote (even if by so doing he creates an equality of votes) and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. He must use his casting vote where there is an equality vote in the election of chairman.**
- w **Voting on any question, save to appoint an honorary freeman, 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.

- x Where more than 2 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. Any tie may be settled by the Chairman's casting vote.
- y **The minutes of a meeting shall record the names of councillors present** and absent. If prior to a meeting, a councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- z **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- aa **An interest arising from the code of conduct adopted by the council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes.**
- bb **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 3.**
- cc **If a meeting is or becomes inquorate, no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- dd Meetings shall not exceed a period of 2.5 hours.

2 Disorderly Conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the chairman, there has been a breach of standing order 2(a) above, the chairman shall express that opinion and thereafter any councillor (including the chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 2(b) above, is disobeyed, the chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

3 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 new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- 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 directs.**
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council (and receipt of his declaration of acceptance of office) and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.**
 - i. In an election year, delivery by councillors of their declarations of acceptance of office**

- unless already made prior to the annual meeting or to decide when they shall be received.
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review of the terms of references for committees and membership.
 - v. Review and adoption of appropriate standing orders, financial regulations and parish council policies already adopted
 - vi. Review of the need to obtain the power of well-being and to consider making the necessary arrangements, or in the year of elections, to reaffirm eligibility.
 - vii. Review of inventory of land and assets including buildings and office equipment.
 - viii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - ix. Review of the Council's and/or employees' memberships of other bodies.
 - x. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - xi. Establishing or reviewing the Council's policy for dealing with the press/media.
 - xii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
 - xiii. Consider the payment of any subscriptions falling to be paid annually.

4 Extraordinary Meetings

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time. The same rules apply to committees as detailed in 12(b) above.

5 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following:

- i. To carry out the lawful instructions of the Council.
- ii. To comply with standing orders, financial regulations and codes of practice adopted by the Council.
- iii. To advise the Council on relevant laws and procedures.
- iv. To act as the Proper Officer of Sedlescombe Parish Council.
- v. To receive and retain declarations of acceptance of office from councillors.
- vi. To retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- vii. To maintain the Council's Assets Register.
- viii. To carry out all routine office work, including answering correspondence, without instruction from the Council.
- ix. To attend meetings of the Council and its Committees (but not necessarily its advisory committees).
- x. To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
- xi. To prepare and display agendas and reports and to present information for all Council and Committee Meetings.
- xii. To prepare Minutes and Reports for all meetings in accordance with current best practice.
- xiii. To draw up, or assist in drawing up and producing copies of the Council's Annual Report and arranging circulation to every household in the Parish (approximately 650 copies).
- xiv. To produce sufficient copies of The Sedlescombe Directory for distribution to each household as required by the Council.
- xv. To attend the Annual Assembly of the Parish Meeting and to write up the Minutes.
- xvi. To act as the Council's representative as required.
- xvii. To prepare press reports.
- xviii. To draft a quarterly newsletter and produce sufficient copies for distribution to every household in the Parish.
- xix. To keep records as required by the Council.
- xx. To update and maintain the website.
- xxi. To attend the Clerk's annual training day as arranged by the Sussex Association of Local Councils.
- xxii. To draw up, or assist in drawing up, or amending the Council's policy documents.
- xxiii. To update the Council's handbook as required.
- xxiv. To draw up strategies for dealing with legal requirements.
- xxv. To update as required the Council's Risk Management Strategy.
- xxvi. To study reports received from other bodies and précis in monthly Clerk's Reports.
- xxvii. To deal with routine parish matters and to answer questions from the public.

- xxviii. To draw up, or assist in drawing up, specifications for work approved by the Council, to send the specifications to contractors, to meet contractors, to monitor the work in progress and to report to the Council as appropriate.
- xxix. To liaise with other local authorities, village organisations and voluntary bodies.
- xxx. To undertake investigations and produce plans in furtherance of the aims and objectives of the Sedlescombe Parish Plan.
- xxxi. To manage all routine financial affairs of the Council.
- xxxii. To advise the Council in accordance with "Governance and Accountability in Local Councils in England and Wales".
- xxxiii. To prepare budgets and to arrange monitoring by the Council of budgets against income and expenditure.
- xxxiv. To prepare orders, receipts, invoices, cheques, bank transfer, VAT returns.
- xxxv. To make purchases of goods and arrange sales of Council publications etc.
- xxxvi. To draw up a monthly bank reconciliation report and schedule of payments.
- xxxvii. To prepare financial records for internal audit and to liaise with the Internal Auditor as appointed by the Council.
- xxxviii. To prepare the Annual Return for external audit.
- xxxix. To maintain insurances and to recommend amendments as required.
 - xl. To make financial reports to the Finance Committee on a quarterly basis
 - xli. To report to the Annual Assembly of the Parish Meeting on the Parish Council's Accounts.
 - xlii. To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's procedures relating to the same.

6 Code of Conduct

- a All councillors shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training, if available, in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.**
- c As paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council, councillors may exercise the rights contained in standing order 5(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d Councillors with a prejudicial interest in relation to any item of business being transacted at**

a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

7 Allegations of breaches of the Code of Conduct

- a Notifications from the Rother Monitoring Officer of complaints about Sedlescombe parish councillors shall be made to the Clerk to the Council.
- b The Chairman, or Vice-Chairman, if not appropriate, will be provided with the information by the Clerk.
- c The Clerk will provide as much information and evidence to the Monitoring Officer as is required to help with consideration of the complaint.
- d No further action will be taken to inform the Parish Council unless exceptional circumstances required this to be done when the matter will be placed before a special extraordinary meeting of the Parish Council, the agenda and minutes of which will remain confidential until the result of the complaint investigation is announced by the Rother Standards Committee.
- e No comment will be made to the media either before, during or after the inquiry is completed.
- f On completion of the complaints investigation by Rother Standards Committee, the Parish Council will consider whether changes to its methods of working are required in order to reduce the possibility of a complaint being made about a Sedlescombe parish councillor.

8 Motions

- a Where possible, notification of the wording of motions should be sent to the Council's Proper Officer at least 7 days before the next meeting. The motions may be sent by either a councillor or a member of the public.
- b If the Proper Officer considers the wording of a motion received is not clear in meaning, he/she will, with agreement of the mover, make the necessary amendments to the motion.
- c The Proper Officer may, before including a motion in the agenda correct obvious grammatical or typographical errors in the wording of the motion.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the

councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- e If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.
- f 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.
- g Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- h Any amendment must not make the motion before the council negative.
- i If an amendment is 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.
- j A further amendment shall not be moved until the council has disposed of every amendment previously moved.
- k The chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote.
- l A resolution of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least three councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- m When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

9 Minutes

- a If draft minutes of a preceding meeting have been made available on the Council's website, they shall be taken as read.

- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes may be raised at the meeting.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

10 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c **Orders for the payment of money shall be signed by two members of the Council.**

11 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

12 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The financial regulations should include the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- c The Responsible Financial Officer shall supply to each member of the Finance Committee as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year.
- d A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the Annual Meeting in May.

- e The Statement of Accounts of the Council, including the annual governance statement, shall be presented to Council for formal approval before 30 June when it must be sent to External Audit.

- f **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000 shall be procured on the basis of a formal tender as summarised below.**
 - i. publication of a specification of the goods, materials, services and the execution of works;
 - ii. tenders to be sent, in a sealed marked envelope provided by the Council, to the Proper Officer by a stated date and time;
 - iii. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - iv. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

- g For expenditures of £1,000 or less in value where a parish councillor could be employed, the RFO shall obtain a quotation from at least one other contractor and shall, on receipt of the quotations and with approval of the Chairman of the Finance Committee, accept the lowest quotation.

- h The Council is not obliged to invite tenders for the following:
 - i. The supply of gas, electricity, water, sewerage and telephone services.
 - ii. Specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - iii. 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. Work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
 - v. Goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
 - vi. Where other special circumstances exist that make single tendering the only or best option in the opinion of the Council.

13 Committees

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may dissolve a committee at any time;

- v. all members of the Finance Committee must be Council members;
- vi. every Committee may appoint sub-committees for purposes specified by the Committee; the Chairman of the Committee shall be a members of every sub-committee appointed by it unless he signifies he does not wish to serve.

14 Advisory Committees

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

15 Canvassing of recommendations by councillors

- a Canvassing councillors or the 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.
- b 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; but, 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.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

16 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

17 Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a

councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

18 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

19 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 18(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

20 Matters affecting council employees

- a If a meeting considers any matter personal to a council employee, it shall not be considered until the council has decided whether or not the press or public shall be excluded.

21 Power of well-being

- a **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 19 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's**

preceding period of eligibility referred to in standing order 19(b) above.

22 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

23 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

24 Variation/revocation/suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.