



STANDING ORDERS

DECEMBER 2009

MEETINGS

1 (a) Meetings of the Council shall normally be held in the Ian Price Room, Heathfield Community Centre, Sheepsetting Lane, Heathfield at 7.30 p.m. unless alternative arrangements are agreed and publicly notified on Council noticeboards, [website](#) and the Office window.

(b) Smoking is not permitted at any meeting of the Council or on any Council premises.

2 **The Statutory Annual Meeting (a) in an election year shall be held on the Tuesday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the second Tuesday in May.**

3 **The three other statutory meetings shall be held on the second Tuesday in the months of September, November and January.**

4 **Two additional meetings shall be held on the second Tuesday in the months of March and July.**

CHAIRMAN OF MEETING

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

PROPER OFFICER

6 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:-

- (a) To receive declarations of acceptance of office
- (b) To receive and record notices disclosing interests at meetings.
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the Council
- (e) To receive copies of byelaws made by a District Council
- (f) To certify copies of byelaws made by the Council
- (g) To sign summonses to attend meetings of the Council

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the clerk.

QUORUM

7 **Seven members shall constitute a quorum.**

8 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared prejudicial interest falls 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.

VOTING

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

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

11 **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no**

original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in the presence of the proper officer of the Council, before the annual meeting commences.)

12 At each Annual Meeting the first business shall be

(a) To elect a Chairman.

(b) To receive the Chairman's declaration of acceptance of office, or, if not then received, to decide when it shall be received.

(c) In an ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(e) To elect a Vice-Chairman.

(f) To appoint committees.

(g) To confirm delegated powers to committees and adopt standing orders.

and shall thereafter follow the order set out in Standing Order 14.

The Chairman of the Council shall serve for a maximum of three consecutive years, with the option of returning to office following a period of at least one year.

13 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 declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received to decide when they shall be received.

14 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:-

(a) 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 summons to attend the meeting, the Minutes may be taken as read.

(b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

(c) To deal with business expressly required by statute to be done.

(d) To dispose of any business remaining from the last meeting.

(e) To receive such communications as the person presiding may wish to lay before the Council.

(f) To answer questions from councillors.

(g) To receive and consider reports and minutes of committees.

(h) To receive and consider reports from officers of the Council.

- (i) To authorise the sealing of documents.
 - (j) To consider resolutions or recommendations in the order in which they have been notified.
 - (k) Any other business specified in the summons.
- 15 A motion to vary the order of business on the ground of urgency
- (a) 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
 - (b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

- 16 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 10 days before the next meeting of the Council.
- 17 The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it on a list which shall be open to the inspection of every member of the Council.
- 18 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice or motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 19 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 20 If the subject matter of a resolution 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.
- 21 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

- 22 Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of the meeting.
 - (b) To correct the Minutes.
 - (c) To approve the Minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (h) To appoint a committee or any members thereof.
 - (i) To adopt a report.
 - (j) To authorise the sealing of documents.
 - (k) To amend a resolution.
 - (l) To give leave to withdraw a resolution or an amendment.
 - (m) To extend the time limit for speeches.
 - (n) To exclude the public. (*see Order 62 below*)
 - (o) To silence or eject from the meeting a member named for misconduct. (*see Order 28 below*)

- (p) To invite a member having an interest in the subject matter under debate to remain (*see Order 52 below*)
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. (*see Order 71 below*)
- (s) To adjourn the meeting.
- (t) In exceptional circumstances, any urgent matter may be raised at the discretion of the Chairman.

RULES OF DEBATE

- 23 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.
- 24 (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, 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.
- (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed 5 minutes, and no other speech shall exceed 3 minutes except by consent of the Council.
- (e) An amendment shall be either:-
- (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (m) When a resolution is under debate no other resolution shall be moved except the following:-
- (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.

- (v) That a member named be not further heard.
- (vi) That a member named do leave the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

- 25 A member shall stand if making a formal report to Council or proposing a resolution.
- 26 (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

- 27 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 the Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

DISORDERLY CONDUCT

- 28 (a) **All members must observe the Code of Conduct which was adopted by the council on 10 July 2007, including paragraph 12.2 a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall 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.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

- 29 The mover of a resolution shall have a right of reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

- 30 A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 31 (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least five members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions or paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

- 32 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.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 33 If at the 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. (*See Standing Order No. 62*)

RESOLUTIONS ON EXPENDITURE

- 34 Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee or of another committee after recommendation by the Finance and General Purposes Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon, and the Finance and General Purposes Committee shall report on the financial aspect of the matter.

EXPENDITURE

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

SEALING OF DOCUMENTS

- 36 (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer and where required to do so, two members shall sign the documents as witnesses.

COMMITTEES AND SUB-COMMITTEES

- 37 The Council may at its 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:-
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- (b) may subject to the provisions of Order 31 above at any time dissolve or alter the membership of a committee.
- 38 The Chairman and Vice-Chairman ex officio shall be members of every committee.
- 39 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- 40 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional 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.
- 41 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 42 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve. Chairmen of all spending committees shall be members of the Finance and General Purposes Committee.
- 43 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-third of its members (rounded up) or three, whichever is the greater.
- 44 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
- 45 All committees shall meet at least quarterly except Highways, Planning and Street Lighting which shall meet fortnightly unless the chairman of the committee agrees to the cancellation of a scheduled meeting due to lack of business to be transacted.

VOTING IN COMMITTEES

- 46 Committees are herewith granted delegated powers to make decisions on matters within their terms of reference. However, should one third or more of the Committee Members present, who are entitled to vote on an item, express their objections to the proposed Committee's decision, after a vote has been taken, on that item then they may request that the matter be adjourned and submitted to a full Parish Council Meeting for decision. In cases of urgency the Chairman of the Parish Council is empowered to convene a special meeting of the Parish Council to decide the matter.
- 47 Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 48 Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON COMMITTEE MEMBERS AT COMMITTEE MEETINGS

- 49 A member who has proposed a resolution or who wishes to speak on any matter which has been referred to any committee of which he is not a member, may speak at the committee or explain his resolution to the committee but shall not vote.

ACCOUNTS AND FINANCIAL STATEMENT

- 50 (a) Accounts will be certified as to accuracy and correctness for payment by the Proper Officer. Cheques shall be signed by two Members and the Clerk. Those Members authorised to sign cheques shall be the Chairman, Vice-Chairman and three others.
- (b) All payments will be made according to decisions by the Council or by a Committee under delegated powers, to be later approved by Council.
- (c) Committees shall have responsibility for ensuring that expenditure does not exceed the budget agreed.
- 51 At least quarterly, budgetary control statements shall be issued to each member, together with a balance sheet. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following June.

ESTIMATES

- 52 (a) Any Committee desiring to commit expenditure shall prepare and approve a proposed budget before the end of the month of November, for discussion at the Finance and General Purposes precept meeting in December.
- (b) The Council shall discuss the precept recommendations from the Finance and General Purposes Committee and set the precept required for the coming financial year at its meeting in the month of January.

INTERESTS

- 53 **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 10 July 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 54 **If a member who has declared a personal interest then considers the interest to be prejudicial, he must comply with the terms of the Code of Conduct, paragraph 12.2 and withdraw from the room during consideration of the item to which the interest relates.**
- 55 **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the responsible authority and/or as required by statute.**
- 56 If a candidate for any appointment under the Council is to his knowledge related to any member or of the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 54 shall apply.

The clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 57 (a) Canvassing of members of the Council 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.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 58 Standing Orders 56 and 57 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

- 59 A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 60 **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITY

- 61 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions
- unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 62 **The public shall be admitted to all meetings of the council and its committees and sub-committees, but the Council may, however, temporarily exclude the public** 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 public be temporarily excluded and they are instructed to withdraw."

(Notes: The special reasons should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public.

If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

- 63 **The clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
- 64 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

- 65 (a) 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.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 66 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.
- 67 When appropriate, a copy of a letter sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

PLANNING APPLICATIONS

- 68 The clerk shall keep the following particulars of every planning application notified to the Council:-
- (a) the date on which it was received
 - (b) the name of the applicant
 - (c) the place to which it refers
 - (d) a summary of the nature of the application

FINANCIAL MATTERS

- 69 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

Such Regulations shall include detailed arrangements for the following:

- (a) accounting records and systems of internal control
- (b) the assessment and management is risks faced by the Council
- (c) the work of the Internal Auditor and the receipt of half yearly reports as well as monthly member audits
- (d) the financial reporting requirements of members and local electors and
- (e) procurement policies including arrangements for procedures relating to contracts and formal tenders

Any formal tender process shall comprise the following steps:

- (a) a public notice of intention to place a contract to be placed in a local newspaper
- (b) a specification of the goods, materials, services and the execution of works shall be drawn up
- (c) tenders are to be sent, in a sealed marked envelope to the Clerk by a stated date and time
- (d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of the Council
- (e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee

The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders relating to canvassing.

CODE OF CONDUCT ON COMPLAINTS

- 70 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils except for those complaints which should be properly directed to the Standards

Board for consideration.

VARIATION, REVOCATION AND SUSPENSION OR STANDING ORDERS

- 71 Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- 72 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 73 A copy of these Standing Orders shall be given to each member by the clerk upon delivery to him of the member's declaration of office.