



Balcombe Parish Council Standing Orders

Index

Mandatory Standing Orders are in **bold**

Standing Order	Page	Subject
1	3	Meetings
2	5	Ordinary Council Meetings
3	6	Extraordinary Meetings
4	6	Disorderly Conduct at Meetings
5	7	Committees
6	7	Attendance
7	8	Confidential/Sensitive Information
8	8	Draft Minutes
9	8	Code of Conduct and Dispensations
10	9	Code of Conduct Complaints
11	9	Proper Officer
12	10	Responsible Financial Officer
13	10	Accounts, Accounting Statements & Budgeting

14	11	Financial Controls and Procurements
15	12	Handling Staffing Matters
16	13	Requests for Information
17	13	Relations with the Press/Media
18	13	Communicating with District & County Councillors
19	13	Restrictions on Councillor Activities
20	13	Execution and Sealing of Legal Deeds
21	14	Standing Orders Generally

1. Meetings

- Full Council meetings
- Committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **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.**
- ■
- d Subject to Standing Order 1(c) above, members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e The period of time designated for public participation at a meeting in accordance with standing order 1(d) above shall not exceed 15 minutes unless directed by the chairman of the meeting. A record of a public participation session shall be included in the minutes of that meeting.
- f Subject to standing order 1(e) above, a member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- g In accordance with standing order 1(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- h Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- ■ i **A person may not orally report or comment about a meeting as it takes place if he is present but otherwise may: a) film, photograph, or make an audio recording of a meeting: b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later: c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

- ■ r A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter
- s No business may be transacted at a meeting unless at least one-third of the whole number of members of the council (4) 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.
- t A meeting shall not exceed a period of 3 hours unless agreed by a majority of Councillors present.

2. 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 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.
- d The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.
- e 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.
- f 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.
- g 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.

- h 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.**
- i Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:**

 - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Review of the terms of reference for committees and membership.
 - iv. Appointment of any new committees.
 - v. Review and adoption of appropriate standing orders and financial regulations;
 - vi. Review of representation on or work with external bodies
 - vii. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - viii. Determining the time and place of ordinary meetings of the full council up to the end of the current calendar year.

3. Extraordinary meetings of the council

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

4. Disorderly conduct at meetings

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

- b If a person(s) disregards the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 4(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

5. Committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or 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. shall determine the chairman of the standing committee
 - v. may dissolve a committee.

6. Attendance by Councillors

- a) Councillors shall attend all Council and Committee meetings unless unavoidably prevented
- b) Reasons for non-attendance should be advised to the Proper Officer
- c) If any member fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Council he/she ceases to be a member of the Council, unless a reason has been approved by the Council prior to the expiry of that period.

- d) The provisions of 6(c) above shall also apply to any Councillor failing to attend 60% of meetings (including Extraordinary Meetings) of the Council in any period of twelve months.

7. Confidential/sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information
- c A councillor in breach of the provisions of standing order 16(a) may be removed from a committee by a resolution of the Council.

8. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c The accuracy of draft minutes, including any amendment(s) made to them, 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.

9. Code of conduct and dispensations

- a All councillors and non-councillors shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for

which the dispensation is required.

- d **A dispensation may be granted if having regard to all relevant circumstances the following applies:**
- 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.**

10. Code of conduct complaints

Upon notification of a complaint that a councillor or non-councillor has breached the council's code of conduct, the Proper Officer shall report this to the Monitoring Officer of Mid Sussex District Council (Standards Committee).

11. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, a summons by email, confirming the time, place and the agenda provided that any such email contains the electronic signature and title of the Proper Officer.**
See standing order 1(b) above for the meaning of clear days for a meeting of a full council
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them); See standing order 1 (b)**
 - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minutes by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. **retain a copy of every councillor's acceptance of office and register of interests;**

- vii. keep proper records required before and after meetings;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. manage access to information about the council via the website or noticeboards

12. Responsible Financial Officer

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

13. Accounts, accounting statements and budgeting

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments for each quarter;
 - ii. the balances held at the end of the quarter

and which includes a comparison with the budget for the financial year

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper

practices and applying the form of accounts determined by the council (receipts and payments) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

- f The Council shall approve written estimates for the coming financial year at its meeting before the end of January
- g Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

14. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies including the setting of values for different procedures where a contract has an estimated value of less than £30,000.
- b Financial regulations shall be reviewed annually for fitness of purpose.**
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee or to an employee.**
- d Other than in exceptional circumstances approved by the Council, competitive tenders will be sought for the supply of goods and materials, or for the execution of works, estimated to cost in excess of £1,500 and will be submitted to the Council for selection and acceptance. With the exception of the Ranger duties which are subject to the terms and conditions of the Ranger Contract.

- e **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £30,000 shall be procured on the basis of a formal tender as summarised in standing order below.**

- f Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

- g Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- h **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

15. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 7 above.

- b the Clerk shall notify the chairman or, if he is not available, the vice-chairman of absence occasioned by illness or other reason.

16. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman to facilitate compliance with the Freedom of Information Act 2000.
- c The Council and or Clerk shall not be required to respond to a request for information without receiving the full name and address of the questioner.

17. Relations with the press/media

Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

18. Communicating with District & County Councillors

An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council.

19. Restrictions on councillor activities

Unless authorised by a resolution, no councillor shall in the name or on behalf of the Council issue orders, instructions or directions, nor inspect any land and/or premises unless given permission by the owner.

20. Execution and sealing of legal deeds

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

- b **Subject to standing order 20(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

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

21. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements (in bold), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except those mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 3 councillors.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- e A councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting in accordance with standing orders.