

**OTTERTON**

**PARISH**

**COUNCIL**

**Standing Orders  
(2016 Revision)**

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For an explanation of the red typeface, see Section 39 on page 17.

## **1. MEETINGS**

- 1.1. Meetings of Otterton Parish Council shall be held in the Committee Room of Otterton Village Hall at 7.30 p.m., unless otherwise decided at a previous meeting. When possible, Meetings will be on the first Monday of every month, excluding Bank Holidays. If the first Monday is a Bank Holiday, the Meeting will be held on the following Monday.
- 1.2. Meetings shall be held monthly, throughout the year.
- 1.3. A minimum of five clear days notice of Council meetings, along with a copy of the Agenda, will be sent to Parish Councillors by either email or hard copy (at Councillors' choice) and at the same time the Agenda of meetings will be displayed on the Council's notice board and on the Village web site.
- 1.4. Council Members will receive a copy of the Minutes of the Meeting as soon as possible after the Meeting. A provisional copy will be posted on the Parish notice board and added to the Parish web site

### **1.5. The Statutory Annual Meeting**

- (a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and
- b) In a non-election year, the Annual Parish Council Meeting shall be held on such a day in May as the Council may direct.

## **2. CHAIRMAN OF MEETING**

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

## **3. PROPER OFFICER**

- 3.1. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, she or he shall be the Parish Clerk.
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing interests.
  - (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 another local authority.
  - (f) To certify copies of byelaws made by the Council.
  - (g) To sign summonses to attend meetings of the Council.
  - (h) To keep proper records for all Council meetings.

## **4. QUORUM**

**4.1 Three Members shall constitute a quorum.  
(One-third of the Membership)**

4.2. If a quorum is not present when the Council meets or if during a meeting the number of Members present and not debarred by reason of a declared interest falls below the quorum, the business to be transacted at that meeting shall be transacted at the next meeting, or on such other day as the Chairman may fix.

**5. VOTING**

5.1. Members shall vote by show of hands, or, if at least two Members so request, by written secret ballot.

5.2. If a Member so requires, the Clerk shall record the names of the Members who voted on any question to show whether they voted for or against it. Such a request can be made prior to or after voting.

5.3. (a) Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote even though she or he gave an original vote.

(b) 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 she or he may not give an original vote in an election of Chairman.

(c) The person presiding must give a casting vote, whenever votes are equal, in an election for Chairman.

**6. ORDER OF BUSINESS**

6.1 In an election year, Members should execute Declarations of Acceptance of Office and written undertakings to observe the Code of Conduct adopted by the Council in the presence of the Proper Officer before the Annual Meeting commences.

6.2. At each Annual Parish Council Meeting the first business shall be

(a) To elect a Chairman of the Council.

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

(c) In the 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 declaration of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law shall be received.

(e) To elect a Vice Chairman of the Council.

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

(g) To appoint representatives to outside bodies.

- (h) To appoint committees.
- (i) To consider the payment of any subscriptions falling to be paid annually.
- (j) To inspect any deeds and trust investments in the custody of the Council as required.

6.3. Thereafter, follow the order set out in Standing Order 6.6.

6.4. At every meeting other than the Annual Parish 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 to 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.

6.5. In every year not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. (See Standing Orders 17, 37 and 38 below)

6.6. 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: providing 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.
- (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 business, if any, 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 Members
- (g) To receive and consider Reports and Minutes of Committees.
- (h) To receive and consider Reports from Members with Special Responsibilities.
- (i) To receive and consider Reports from Officers of the Council.
- (j) To authorise the sealing of documents.
- (k) If necessary, to authorise the signing of orders for payment.
- (l) To consider resolutions or recommendations in the order in which they have been notified.
- (m) The final item on the agenda to be notified questions to County and District Councillors (if present and appropriate).

6.7. Urgent Business:

A motion to vary the order of business on the grounds 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.

## **7. RESOLUTIONS MOVED ON NOTICE**

- 7.1. 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 seven clear days before the next meeting of the Council.
- 7.2. The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall make such notice available to inspection by any Member of the Council.
- 7.3. The Clerk shall insert in the Agenda which accompanies 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 notice of motion has stated in writing that she or he intends to move at some later meeting or that he withdraws it.
- 7.4. If a resolution or recommendation specified on the Agenda 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.
- 7.5. 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 she or he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 7.6. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

## **8. RESOLUTIONS MOVED WITHOUT NOTICE**

- 8.1. 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.
  - (g) To refer a matter to a Committee.
  - (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 motion.
  - (l) To give leave to withdraw a resolution or amendment.
  - (m) To extend the time limit for speeches.
  - (n) To exclude the public (See Order 30 below).
  - (o) To silence or eject from the meeting a Member named for

misconduct (See Order 12 below).

- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order (See Order 39 below).
- (r) To adjourn the meeting.

## **9. QUESTIONS**

- 9.1. A Member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 9.2. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 9.3. Every question shall be put and answered without discussion.
- 9.4. A person to whom a question has been put may decline to answer.

## **10. RULES OF DEBATE**

- 10.1. 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.
- 10.2.
  - (a) A resolution or amendment shall not be discussed at the meeting unless it has been proposed or seconded.
  - (b) A Member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until later period of the debate.
  - (c) A Member shall direct his or her 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 the consent of the Council.
  - (e) An amendment shall be either:-
    - (i) To leave out words.
    - (ii) To leave out words and insert 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 5 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 make a closure.
  - (k) A Member may rise to make a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some

material part of a former speech by him/her 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.

10.3. A Member shall remain seated when speaking unless requested by the Chairman to stand.

- 10.4. (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 speak, the Chairman shall call upon one of them to speak and the others shall remain silent until asked to speak by the Chairman.
- (d) Whenever the Chairman speaks during a debate, all other Members shall be silent.

## **11. CLOSURE**

- 11.1. 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 she or 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, she or he shall call upon the mover to exercise or waive his or her 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.

## **12. DISORDERLY CONDUCT**

- 12.1 All Members must observe the Local Authorities (Model Code of Conduct) Order 2007 that was adopted by the council on 4<sup>th</sup> June 2007, including Paragraph 12(2).
- 12.2. 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 bring the Council into disrepute.



- 12.3. If, in the opinion of the Chairman, a Member has acted in a manner contrary to that required, 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. **If a Member reasonably believes another Member is in breach of the code of conduct, that Member is under a duty to report the breach to the Standards Board for England.**
- 12.4. If the motion mentioned in paragraph (12.3) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

### **13. RIGHT OF REPLY**

- 13.1. The mover of a resolution shall have a right to 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. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### **14. ALTERATION OF RESOLUTION**

- 14.1. A Member may, with the consent of or her seconder, move amendments to his or her own resolution.

### **15. RESCISSION OF PREVIOUS RESOLUTION**

- 15.1. 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 bear the names of at least six Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a Committee.
- 15.2. When a special resolution or any other resolution moved under these provisions of paragraph (15.1) of this Order has been disposed of, no similar resolution may be moved within a further six months.

### **16. VOTING ON APPOINTMENTS**

- 16.1. 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. A fresh vote will then be taken and so on, until a majority of votes is given in favour of one person.

### **17. DISCUSSIONS AND RESOLUTIONS AFFECTING**

## **EMPLOYEES OF THE COUNCIL**

- 17.1. 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 Chairman has excluded the press and public under Section 100(A)(4) of the Local Government Act 1972. (See Standing Order No 30.1).

## **18 RESOLUTIONS ON EXPENDITURE**

- 18.1. Any resolution which, if carried, would in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council 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. Any committee affected by it shall consider whether it desires to report thereon.

## **19. EXPENDITURE**

- 19.1. Orders for the payment of money shall be authorised by resolution of the Council and signed by two Members.

## **20. SEALING OF DOCUMENTS**

- 20.1. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 20.2. The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two Members who shall sign as witnesses.

## **21. COMMITTEES AND WORKING PARTIES**

- 21.1. 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:-
- (a) shall not appoint any Member of a committee so as to hold office later than the next Annual Meeting.
  - (b) may appoint persons other than Members of the Council to any Committee; and
  - (c) may subject to the provisions of Order 15 above at any time dissolve or alter the Membership of a committee.
- 21.2. The Chairman and Vice-Chairman ex officio shall be voting Members of every committee.

- 21.3. 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.
- 21.4. Special Meetings  
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.
- 21.5. Working Parties  
Every committee may appoint working parties for purposes to be specified by the committee.
- 21.6. The Chairman and Vice Chairman of the committee shall be Members of every working party appointed by it unless they signify that they do not wish to serve.
- 21.7. 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 working party, the quorum of a committee or working party shall be one-half of its Members.
- 21.8. 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 working party meetings.

## **22. VOTING IN COMMITTEES**

- 22.1. Members of Committees and working parties shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- 22.2. Chairman of committees and working parties shall in the case of an equality of votes have a second or casting vote.

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

- 23.1. A Member who has proposed a resolution which has been referred to any committee of which she or he is not a Member, may explain his or her resolution to the committee but shall not vote.

## **24. ACCOUNTS AND FINANCIAL STATEMENT**

- 24.1. (a) All accounts for payment and claims upon the Council shall be laid before the Council.  
(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its

correctness and urgency by the Clerk. Such payment shall be authorised, by the Chairman or Vice Chairman of the Council or in their absence, by a signatory.

(c) All payments ratified under sub-paragraph (b) of the Standing Order shall be separately included in the next schedule of payments laid before the council

- 24.2. The Parish Clerk shall supply to each Member at the first opportune meeting next after the end of the Financial Year a statement of accounts.

## **25. ESTIMATES**

- 25.1. (a) The Council shall approve written estimates for the coming financial year at a meeting in the months of December and January.  
(b) Any committee desiring to incur expenditure shall, not later than November, give to the Clerk a written estimate of the expenditure recommended for the coming year.

## **26. INTERESTS**

- 26.1. If a Member has a personal interest as defined by the Code of Conduct adopted by the Council on 8<sup>th</sup> October 2012 then she or he shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 26.2. A Member, who has declared a personal interest and then considers the interest to be pecuniary, must not take part in a discussion and should withdraw from the room. The Member can return to the room when asked by the Chairman.
- 26.3 The Clerk is required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- 26.4. If a candidate for any appointment under the Council is to his or her knowledge related to any Member of or the holder of any office under the Council, she or he and the person to whom she or he is related, shall disclose the relationship in writing to the Clerk. A candidate who fails to do so 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 this Standing Order shall apply.
- 26.5. The Clerk shall make known the purpose of this Standing Order to every candidate.

## **27. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- 27.1. (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 shall not solicit for any person any appointment under the Council or recommend any person for such

appointment or for promotion; but 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.

27.2. Standing Orders Nos. 26.4 and 27.1 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **28. INSPECTION OF DOCUMENTS**

28.1. A Member may for the purpose of his or her duty as such (but not otherwise), on application to the Clerk, inspect any document which have been considered by the Council, or a Committee and if copies are available shall, on request, be supplied for the like purpose with a copy.

28.2. (a) All Minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.

(b) All Minutes kept by the Council and by any committee shall be open for the inspection of any elector for the area.

## **29. UNAUTHORISED ACTIVITIES**

29.1 No Member of the Council or any committee shall in the name of or on behalf of the Council:

(i) inspect any lands or premises which the Council has a right or duty to inspect; or

(ii) issue orders, instructions or directions unless authorised to do so by the Council or

(iii) involve themselves in staff matters, excepting through the Clerk.

## **30. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

30.1. The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public and press by means of the following resolution:

'That under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description (s) set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B)'

30.2. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the parish council or its

committees but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
- b) use any other means for enabling persons 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.

- 30.3. If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that she or he be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.

## **31. PLANNING APPLICATIONS**

- 31.1 The Clerk shall, on receipt of all planning applications, enter in a “Planning” folder the following details:
- (i) the date of its receipt,
  - (ii) the name of the applicant,
  - (iii) the place to which it refers and
  - (iii) its planning reference number.
- 31.2 The Clerk will place on the Parish notice board details of the application within two days.
- 31.3 Within two days of their receipt, the Chairman, or the Vice-Chairman in his absence, will receive the full application, including all plans and architect’s drawings.
- 31.4 Members will be informed and may choose/or not to visit the proposed site. Their decision will be communicated to the Clerk who will liaise with the applicant and then arrange a mutually convenient time for a viewing.
- 31.5 The Agenda for the next Council meeting will allow for discussion of the said planning application before comments are forwarded to East Devon District Council.

## **32. CONFIDENTIAL BUSINESS**

- 32.1. No Member of the Council or of any committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council or the committee as the case may be.
- 32.2 Any Member in breach of the provisions of 31.1 of these Standing Orders shall be removed from any committee or working party of the Council by the Council.

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

- 33.1. A Summons and Agenda for each meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor for the district ward.

## **34. CONTRACTS AND TENDERS**

- 34.1. a) All work, supply of goods or services in excess of £5,000 (exc.VAT) in value requires three written quotations.  
b) All work, supply of goods or services in between £1000 and £5000 (exc. VAT) in value requires two written quotations.  
c) The Chairman of Committees can submit a single quotation for work, supply of goods or services less than£1000 (exc. VAT) in value for the consideration of the Council
- 34.2. The Chairman of Committees, with the agreement of the Council, should provide a list of interested contractors or suppliers and request tenders for such work or supply of goods or services to be submitted to the Clerk by a given date agreed by the Council. In addition, all such tenders should be advertised in a local newspaper and on the Council's notice board.
- 34.3. Specification of the goods, materials, services and the execution of works required should be submitted to all applicants.
- 34.4. The period for tendering shall be of sufficient length to give contractors suitable time to respond.
- 34.5. All tenders should be submitted, in a pre-addressed, sealed envelope that has the contract details on the top left-hand corner supplied by the Council, to the Clerk.
- 34.6. All tenders should be opened after the closing date, at the same time, in the presence of the Chairman or Vice Chairman of the Council and the Clerk.
- 34.7. The lowest tender need not be accepted.
- 34.8. Details of all tenders should be submitted to the Council for approval prior to acceptance.
- 34.9. If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

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

The Council shall deal with complaints of maladministration allegedly by the Council or by any officer or Member as set out below, except for those complaints that should be properly directed to the Standards Board for England.

- 35.1. If a 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 the complaint in writing to the Chairman and be assured that it will be dealt with promptly after receipt.
- 35.2. If a complainant indicates that she or he would prefer not to put the complaint to the Clerk, she or he shall be advised to put it to the

Chairman.

- 35.3. On receipt of a written complaint the Chairman shall (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained of and giving him or her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or Chairman receives a written complaint about his or her own actions she or he shall forthwith refer the complaint to the Council.
- 35.4. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
- 35.5. The Clerk or Chairman shall bring any written complaint that cannot be settled to the Grievance Committee which will be convened for such a purpose. The Committee's decision will be given to the complainant as soon as is practicable.
- 35.6. In the event that the complainant disagrees with the decision they may opt to refer it to the Appeal Committee.

The decision reached by the Appeal Committee is final.

## **36. CO-OPTIONS**

- 36.1. If a poll is not claimed in the statutory period, the Council must fill the vacancy by co-option within 60 days of the Notice of the vacancy.
- 36.2. A notice is then placed in the local newspaper and on notice boards requesting any interested applicant to notify the Clerk.
- 36.3. Any person who has contacted the Clerk in writing intimating their interest to serve as a Member of Otterton Parish Council will have their letter and/or application tabled for Members to read, but they will be returned at the end of the meeting, thereby giving Members an opportunity to acquaint themselves with interested persons.
- 36.4. Voting will then take place as per Standing Order No. 16.

## **37. STAFF ESTABLISHMENT AND FILLING OF VACANCIES**

- 37.1. All vacancies shall be publicly advertised except when the Council otherwise determine.
- 37.2. If a candidate for any appointment under the Council is to his or her knowledge related to any Member of or the holder of any office under the Council, he and the person to whom she or 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 disclosures. Where relationship to a Member is disclosed, the standing orders on interests of Members in contracts and other matters shall apply.

**38. SALARIES, WAGES AND CONDITIONS OF SERVICE**

- 38.1. The salary of the Parish Clerk shall be in accordance with the recommendations of the National Association of Local Councils & Society of Local Council Clerks as circulated from time to time.

**39. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

Any or every part of the Standing Orders except those printed in red type may be suspended by resolution in relation to any specific item of business.

- 39.1. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next meeting of the Council.

**40. STANDING ORDERS TO BE GIVEN TO MEMBERS**

- 40.1. A 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 and written undertaking to observe the Code of Conduct adopted by the Council.