

HAILSHAM TOWN COUNCIL

NOTICE IS HREBY GIVEN OF a meeting of the HAILSHAM TOWN COUNCIL to be held in the FLEUR-DE-LYS COUNCIL CHAMBER, MARKET STREET, HAILSHAM, on

Wednesday, 17th July 2019 at 7.30 p.m.

1. **PUBLIC FORUM:** A period of not more than 15 minutes will be assigned for the purpose of permitting members of the Public to address the Council or ask questions on matters relevant to responsibilities of the Council, at the discretion of the Chairman.
2. **APOLOGIES FOR ABSENCE:** To receive apologies for absence of council members
3. **DECLARATIONS OF INTEREST:** To receive declarations of disclosable pecuniary interests and any personal and prejudicial interest in respect of items on this agenda.
4. **FRIENDS OF PARK WOOD HELLINGLY**
To receive a presentation from the Friends of Park Wood Hellingly.
5. **HAILSHAM FESTIVAL COMMUNITY MUSICAL PROPOSAL**
To receive a proposal from Hailsham Festival
6. **CHAIRMAN'S UPDATE**
To receive a verbal update from the Chairman of Hailsham Town Council
7. **CONDUCT DURING COUNCIL MEETINGS**
To discuss and note the required conduct during Hailsham Town Council meetings.
8. **CONFIRMATION OF MINUTES**
To resolve that the Minutes of the Annual Meeting of Hailsham Town Council held on 15th May 2019 may be confirmed as a correct record and signed by the Chairman.
9. **COMMITTEE RECOMMENDATIONS TO COUNCIL**
To consider the following recommendations made by committees, which are outside of their terms of reference or otherwise were resolved as recommendations to full council:
 - 9.1 **Assets Management Committee – 26.06.2019;** Quinnell Drive
 - 9.2 **Neighbourhood Plan Committee - 20.06.2019;** Neighbourhood Development Plan Post Adoption
10. **NEIGHBOURHOOD PLAN COMMITTEE**
 - 10.1 To note the minutes of the Neighbourhood Plan Committee Meeting 20/06/2019
 - 10.2 To approve the Neighbourhood Plan Committee's delegated authority up to the next Town Council meeting

11. MOTION 167 – PLASTIC FREE HAILSHAM

To consider a motion submitted to The Town Clerk by Cllr Laxton, seconded by Cllr Nicholls, concerning 'Plastic Free Hailsham'

12. MOTION 168 – AIR POLLUTION IN HAILSHAM

To consider a motion submitted to the Town Clerk by Cllr Coltman, seconded by Cllr Laxton concerning Air Pollution in Hailsham.

13. HAILSHAM DEMENTIA FORUM

To consider a request by Wealden District Council for Hailsham Town Council to join Hailsham Dementia Forum

14. STANDING ORDERS

To review the Town Council's Standing Orders

15. INDEMNITY AGREEMENT

To consider signing an indemnity agreement related to the payment of S106 monies to the Town Council.

16. CONFIDENTIAL BUSINESS

To resolve that the press and public are temporarily excluded during the discussion on the **next five items (17, 18, 19, 20 & 21)** of the agenda as they concern: The terms of tenders and proposals and counter proposals in negotiation for contracts; The preparation of cases in legal proceedings and Engagement, Terms of Service

(In accordance with the Council's Standing Orders No. 1E).

17. COMMITTEE RECOMMENDATIONS TO COUNCIL - CONFIDENTIAL

Finance, Budget, Resources and Staffing Committee – 10.07.2019;

Deputy Youth Co-ordinator and Finance Officer

18. HAILSHAM COMMUNITY LAND TRUST - CONFIDENTIAL

To receive a presentation and consider a proposal from Hailsham Community Land Trust

19. TRANSFER OF LAND TO HAILSHAM TOWN COUNCIL – WELBURY FARM - CONFIDENTIAL

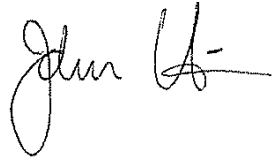
To consider a request to accept the transfer of land to the Town Council at Welbury Farm

20. MASHH STEERING GROUP - CONFIDENTIAL

To receive an update from the Movement and Access Strategy for Hailsham and Hellingly Steering Group

21. CHANGING PLACES - CONFIDENTIAL

To further consider contracting the installation of a Changing Places facility at the James West Community Centre (as deferred from the meeting held on January 30th 2019)

A handwritten signature in black ink, appearing to read "John H.", with a stylized flourish at the end.

JOHN HARRISON
Town Clerk

Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Friends of Park Wood Hellingly

PURPOSE:

To receive a presentation from the Friends of Park Wood Hellingly.

The Chairman, Paul Rees, and David Marlow, a key member of the Steering Committee, will be representing the Friends of Park Wood Hellingly at the meeting Wednesday 17th July.

Paul and David will make a presentation about the Friends, their mission and they will also introduce their comments on the Hailsham Neighbourhood Plan.

The link to the website as a reference (<http://www.friendsofparkwoodhellingly.com/>). Also attached as preparation material, the submission in relation to the Hailsham Neighbourhood Plan

Hailsham Neighbourhood Plan (HNP)
Regulation 16 Consultation
Representations on behalf of Friends of Park Wood Hellingly

Representation 1

Policy HAIL GS2: Open space within major development areas

Make modifications, as recommended below

Reasons:

HNP Objective 4 states:

Existing habitats and green infrastructure networks are protected and enhanced through sensitive development to encourage local habitat improvement and creation.

Furthermore, Section 6.1: 'Natural and amenity green space' states, on page 39:

Hailsham benefits from green open spaces both within and around the existing built-up area. But access to green space is limited in parts of Hailsham: accessible greenspace is concentrated in the southern part of the urban area with more limited access to natural greenspace in the north³³. (The footnote is a reference to the Wealden Green Infrastructure Study, May 2017.)

It goes on to state:

Abbots Wood and the Pevensey Levels are the two highest quality and most important green spaces in the area. Abbots Wood is though difficult to access as cut off from Hailsham by the presence of the A22 which forms a barrier to movement, particularly for those who do not have access to a car. New or improved links to Abbots Wood are sought.

There are two related policies, the second being most relevant here:

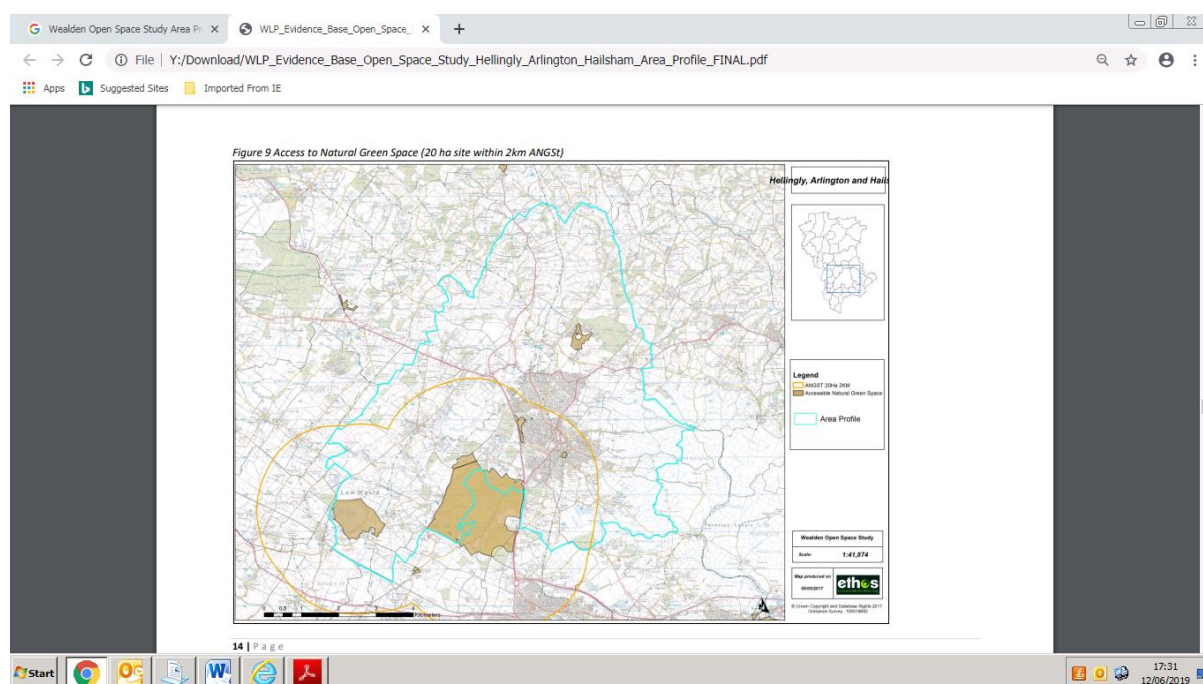
Policy HAIL GS2: Open space within major development areas

Where appropriate, natural and amenity open space will be provided within all major development sites in Hailsham in line with guidance and standards contained in the Wealden District Council Open Space, Sports and Recreation Assessment 2016-2028, or any later and more up-to-date standards that might be adopted in the new Wealden Local Plan. All green space will be designed such that is easily accessible from the proposed new development and well-integrated with new frontages overlooking the green space and providing a clear transition between the public and private realm.

It is pointed out that the WDC Open Space, Sport and Recreation Study (OSSRS) referred to in the policy also highlights in its component Area Profile: Hellingly and Arlington Parish Councils and Hailsham Town Council (p7) that:

There is good access against the 100ha/5km buffer ANGSt standard, although there are gaps in access against the 500ha/10km and 20ha/2km standards in the key populated area to the north of Hailsham (around Upper Horsebridge).

Figure 9 of this Evidence Study illustrates the shortfall clearly:



The WDC Green Infrastructure Study, also referred to above, similarly states, at paragraph 4.5.17:

'Accessible natural greenspace sites in and around Hailsham & Polegate are shown on Figure 4.5g. This shows that significant accessible natural greenspace sites are located to the west of Hailsham and Polegate. These include Open Access Land, such as Wilmington Woods at the south-eastern edge of Hailsham and north-west of Polegate. Accessible Natural Greenspace is limited in other directions around Hailsham and Polegate.'

Figure 4.5h in the GI Study is a similar diagram to Figure 9 in the OSSRS, reproduced above, which also shows the lack of a larger (+20ha) natural green space accessible to the north and east of Hailsham. Furthermore, the GI Study's final recommendation (in paragraph 4.5.20) states:

- *Where appropriate, seek opportunities to safeguard and enhance existing wildlife sites in and around Hailsham and Polegate and through sensitive management improve their overall condition.*

Addressing this identified shortfall is seen as fundamental to the sustainable growth of Hailsham (including in Hellingly Parish). Without well-managed large natural green spaces in line with a recognised standard of provision:

- the increased population will not be well served by 'green infrastructure'
- informal, quiet recreation opportunities will be limited
- the health and well-being will not be adequately provided for

Like, Abbots Wood, Park Wood Hellingly is outside of Hailsham Parish (being in Hellingly Parish) but clearly serves the town. It meets the ANGSt criteria in terms of being over 20 hectares (c60ha), is designated 'Access Land', is Ancient Woodland and a Local Wildlife Site.

Therefore, it is considered that Park Wood Hellingly should be identified in all relevant development plans as an area to be retained, sensitively managed for both nature conservation and quiet public enjoyment, in support of NDP Objective 4.

Recommended modifications:

Based on the above evidence, it is recommended that Policy HAIL GS2: 'Open space within major development areas' is amended to read:

*'Where appropriate, natural and amenity open space will be provided **or enhanced** within all major development sites in Hailsham **and/or in the locality (notably to meet higher level ANGSt standards)**, in the in line with guidance and standards contained in the Wealden District Council Open Space, Sports and Recreation Assessment 2016-2028, or any later and more up-to-date standards that might be adopted in the new Wealden Local Plan. All green space will be designed such that is easily accessible from the proposed new development and well-integrated with new frontages overlooking the green space and providing a clear transition between the public and private realm.'*

Also, the supporting text should be amended to refer to Park Wood as well as Abbots Wood and the Pevensey Levels are the principal green spaces in the area, with an acknowledgement that Park Wood needs improved management to enhance its ecological and amenity value.

These amendments are regarded as necessary to be compatible with the NPPF policies regarding enhancing biodiversity and to achieve sustainable development.

Representation 2

Projects HAIL GS1: 'Natural and amenity green space'

Recommend amendments

The following modifications to the Projects policy are recommended:

*'The Town Council will look to improve the quality of all existing amenity and natural green spaces ~~across~~ **serving** the Neighbourhood Plan area, including provision of well-equipped play space. The Town Council will work with the District and County Council to explore how underused green spaces and roadside verges might be better used to increase biodiversity value, provide new wildlife habitats and space for local food production. Use of such space for community gardens is encouraged. The delivery of safer access to Abbots Wood will be explored with the Highways Authority, **together with improved accessibility to Park Wood Hellingly.***

These amendments are regarded as necessary to assist the HNP meet the Town Council's stated nature conservation Objective and to properly promote the requisite green infrastructure to balance the substantial population of the town - and thereby meet its ambition for sustainable growth.

It is also regarded as appropriate to support NPPF policies regarding enhancing biodiversity and to achieve sustainable development.

Hailsham Festival of Arts and Culture



A proposal for the creation and performance of a new Community Musical with Exhibition, 2019 - 2020

1. Introduction

This proposal aims to create a newly-commissioned, large-scale piece of music-theatre/exhibition rooted in the town of Hailsham and its surrounding area. The project will begin during the 2019 festival and coming to fruition as a central component of the 2020 event involving about 200 participants. The project will draw on the rich variety of community groups which already exist and who perform/exhibit regularly. Overall direction and production will be provided by experienced local amateurs. After an initial scoping exercise within the community, an artist, writer and composer in residence will be appointed to work creatively with the community in devising initial themes for the project as well as providing inspiration and a framework for related free-standing work which will culminate in exhibition, performance and publication. The probable theme for the project will be *string* or *rope* as this represents the town's industrial heritage but this will be subject to initial discussions with the writers and the community.

2. Background

a) History

Hailsham Festival is held annually in September and is now entering its thirteenth successful year. The festival represents a celebration of talent, creativity and imagination centered in the market town of Hailsham and its surrounding area. It originally consisted of its highly regarded Art Trail which has grown in strength and diversity ever since and is a rich showcase for local artistic talent and skill. In 2018 the trail included over 100 artists in 18 venues across the area.

Music, dance, drama and cinema are well represented with performances in venues including the iconic Hailsham Pavilion, Summerheath Hall, Lime Cross Garden Centre, Chapter 12 Bar and Kitchen and the Bluebell Barn in Arlington where our annual Barn Dances are held. In recent years the mayor's opening concert in the Parish Church has featured musicians from the church as well as performances by Hailsham Choral Society. Young talent has included performances by students from Hailsham Community College, the East Sussex Music Service's Eastbourne Area Concert Band and Irish dancing. Jazz, folk, theatre, film, poetry and literature are also well represented as well as competitions and activities for children. In 2019 the festival will include a presentation by the world famous author and broadcaster, Michael Rosen.

b) Festival Community and Partnerships

The festival enjoys strong partnerships with local businesses, arts organisations, retail establishments and local government from which it is able to attract sponsorship, advertising revenue, participation and goodwill. During the 2018 and 2019 festival, additional funding was secured to enable professional distribution of the festival brochure which resulted in significant levels of audience development.

c) Festival Impact

The funding also supported the commissioning of professional evaluation which was exceptionally positive. As part of the process an audience survey revealed that the level of satisfaction at the Festival was extremely high: 99.5% either loved it or thought it was good while 83.7% of attendees scored 8-10 that they would recommend the performance or event they attended to friends, family or colleagues.

3. Community Musical - Project Timeline

Jan - June 2019. Secure funding

July/August 2019 - Recruit professional leaders-in-residence

September 2019 (including during the 2019 festival)- leaders work in the community, garnering and developing ideas and developing creative projects

October - December 2019 Writer creates story, script and lyrics and shares with key project participants

December 2019 - February 2020 - Composer and writer collaborate to create score

March 2020 - Participants recruited and auditioned as required. Plans for exhibition agreed.

April – Workshops and Rehearsals begin and continue until September.

Late August - Exhibition finalised and installed.

September - Performance runs for 1 week. Exhibition in place for 1 month

4. Venue

Hailsham does not possess a performance venue which would naturally lend itself to such a venture although one or two venues 'would do'. It might be possible to explore the viability of using somewhere which would not normally be associated with the arts – an unused industrial unit, for example, or a large barn. Seating and staging are being factored into the costings.

5. Festival Website and Social Media

Festival Website: www.hailshamfestival.uk.

Facebook: www.facebook.com/HailshamArtsFestival/

Twitter: @HailshmArtsFest

Instagram: https://www.instagram.com/hailsham_festival/

Email: info@hailshamfestival.uk

Tony Biggin
Festival Chair
December 2018

0789 999 6192

Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Motion 167 – Plastic Free Hailsham

PURPOSE:

To consider a motion submitted to the Town Clerk by Cllr Laxton, seconded by Cllr Nicholls, concerning Plastic Free Hailsham.

MOTION 167: Plastic Free Hailsham

We would request that HTC supports and endorses a Plastic Free Hailsham both in our community and in the town council premises.

We will start the process by implementing the Refill a bottle water scheme. Then by natural progression other initiatives will follow.

Proposed Cllr Mary Laxton
Seconded Cllr Karen Nichols.

This will not require any dedicated officer resources as this will be driven by volunteers who currently litter pick on a regular basis. We may be grateful to borrow the meeting room and perhaps a market stall at some point to Highlight the Refill Scheme.

An initial letter to all shop keepers and business would be required by the council as a one of (I have a draft ready) that the group will hand deliver and talk to businesses to enable sign up to the refill scheme.

The refill scheme consists of public getting their water container filled in dedicated places and the premises on signing up to the scheme and look at ditching three plastic items i.e use of Bottled Water, Chilled Water Dispensers, Plastic Cups, Plastic Cutlery. Plastic straws etc.

By signing up to endorse the scheme it will give the council street credibility by leading by example in the war against plastic and litter.

There are over 200 schemes in place across the country the south east needs to be more proactive in implementing the refill scheme and ditch plastic.

Uckfield Town Council has signed up to the whole process and just installed a public drinking refill station in their premises. The lead at Uckfield Martin Barnett may be happy to come to September council to share what Uckfield has achieved in a presentation as they launched a year ago.

Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Motion 168 – Air Pollution in Hailsham

PURPOSE:

To consider a motion submitted to the Town Clerk by Cllr Coltman, seconded by Cllr Laxton, concerning Air Pollution in Hailsham.

MOTION 168: Air Pollution in Hailsham

Proposed by Cllr Nigel Coltman
Seconded by Cllr Mary Laxton

To acknowledge the increasing health danger of air pollution in Hailsham, especially to younger residents, the Council agrees to:

Write to Wealden District Council requesting that they monitor PM2.5 and PM10 in Hailsham. If not actioned, HTC should contact the University of Sussex to see if they can provide the service.

Request that WDC and ESCC implement a number of measures to restrict cars in the proximity of schools including: 20 MPH limits, extension of double yellow lines, additional signage and any other measures that may be possible.

Promote parents walking their children to school and the use of the Cuckmere Community Bus, through HTC's usual publicity channels (Our Hailsham, Social Media, Youth Services)

Request of WDC that all new build developments in Hailsham & Hellingly should have cycle paths and connection to main cycle routes as detailed in the Hailsham Neighbourhood Plan

Review its environmental policy, and look into replacing its vehicle fleet with appropriate green vehicles as part of its contract renewal process.

Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Hailsham Dementia Forum

PURPOSE:

To consider a request by Wealden District Council for Hailsham Town Council to join Hailsham Dementia Forum

BACKGROUND:

Email received from WDC Equalities Officer

I am writing this email to you to ask for Hailsham Town Council to be part of Hailsham Dementia Forum, as we are trying to make Hailsham dementia friendly town.

We have 5 other dementia forums that the parish or town councils support or are involved in. The Uckfield dementia forum is run and chaired by the town council, Ninfield, Polegate and Crowborough are involved and attend the meetings, as well as support social activities like the dementia cafés, dementia friendly film screenings and host some of the meetings.

I have attached the infographic information about how many people living with dementia in the Wealden area and also emergency hospital admissions for people with dementia living in Hailsham was 41% last year, so we are working as Wealden Dementia Action Alliance to help people living with dementia to stay in their homes and also give the carers support.

It would be great if one of the Town Councillors could attend the meetings which are around six of them a year. The nominated person could help champion the town to work towards becoming dementia friendly, by working with the town team.

The forum hopes to run an event each year so support at these would be very helpful.

We usually have our meetings at Bowes house or the CAB, any time we are struggling if would be great to be able to come to the town council for a free venue as the forum doesn't have a budget apart from sponsorship they have been given to run social activities e.g. Movies make memories and the new café to start this year.

The meeting is already chaired by Karen at Bowes House and minutes are taken by Laura from Hart Reade. Some forums the chair position is shared to take the pressure off a little.

To have someone from the Town Council as well is also a great chance for the group to hear what is going on in the town and anything they should be aware of, and also for you to be aware of groups taken place in the town and surrounding villages.

We look forward to hearing from you and really hope we can start working with you this year on this amazing project

Wealden Dementia Action Alliance Achievements

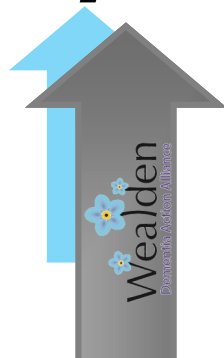
2016 – 2018



Joint Strategic Needs Assessment

Statistics

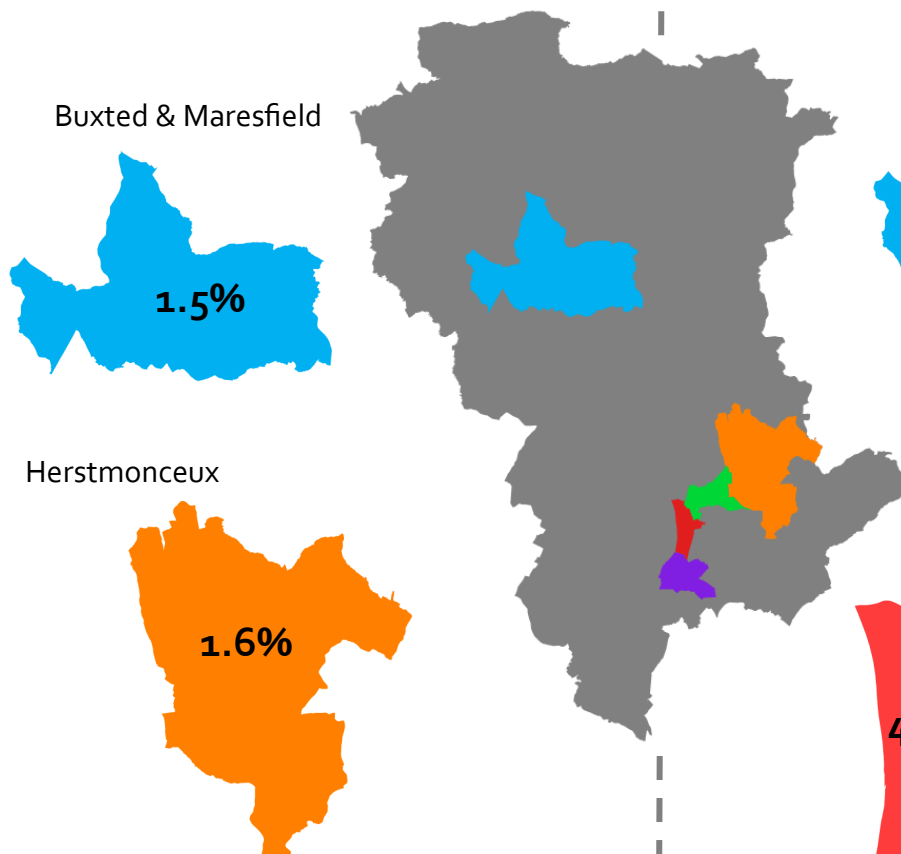
2018: **1,814**



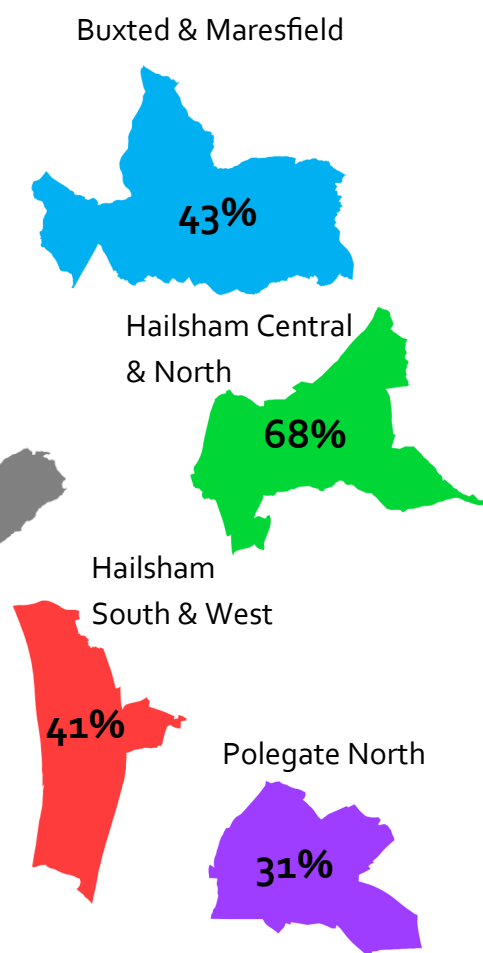
2017: **1,666**

The number of people on dementia registers in Wealden has increased in the last year

The wards with the highest percentage of all registered patients reported by their GP as having dementia



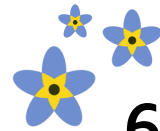
The wards with the most emergency hospital admissions for people with dementia; % above the expected level



Wealden Dementia Action Alliance

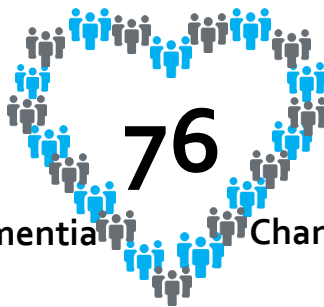


Dementia Friends
sessions arranged



6,580

Dementia Friends
in Wealden



Dementia Champions

5

Number of dementia forums setup



Number of organisations supporting
the Wealden Dementia Action Alliance



Dementia Champions sessions
held in Wealden

37

Events during 2016—2018
National Dementia Awareness
Weeks

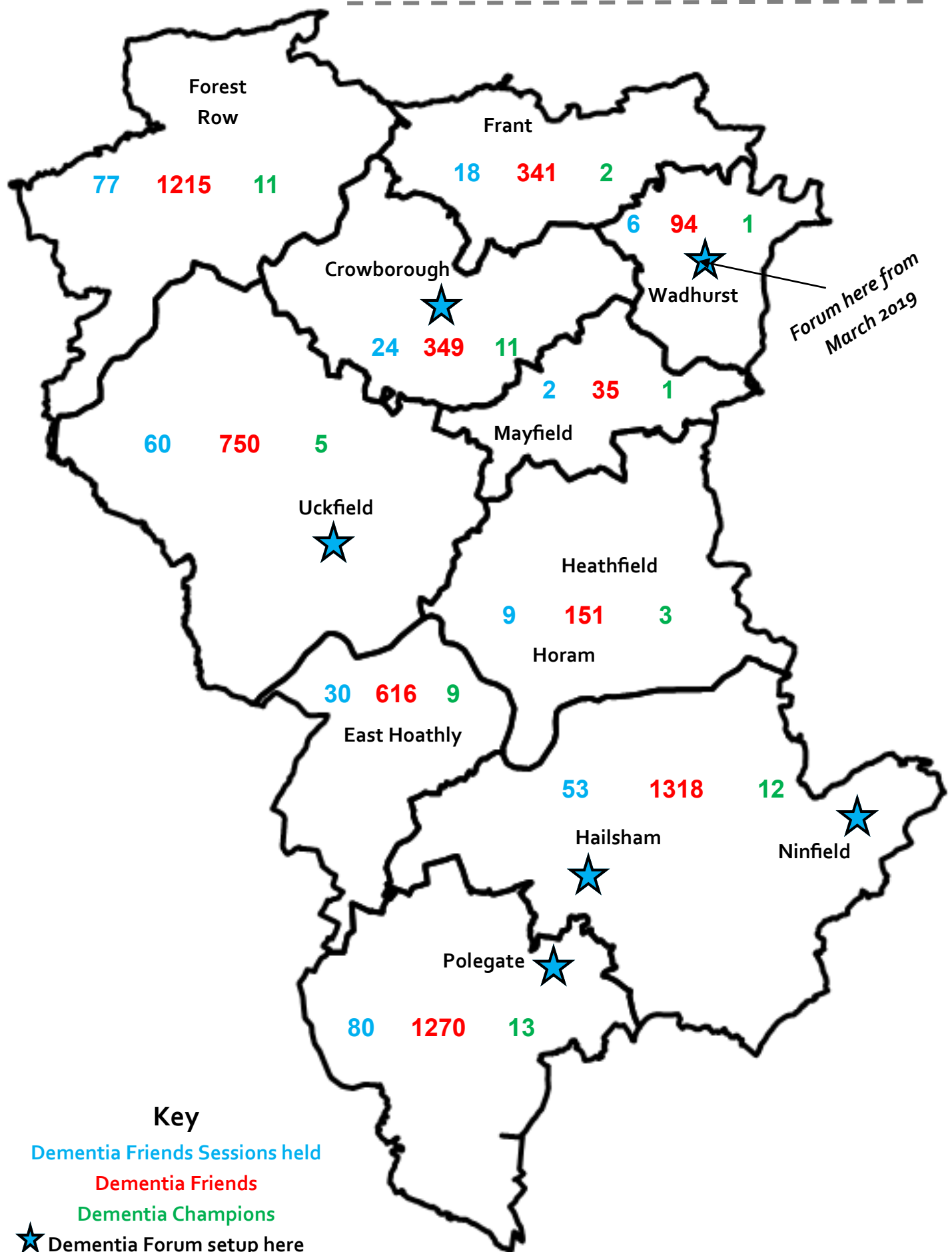


Dementia friendly film screenings in Hailsham



Dementia friendly film screenings in Ninfield

Dementia Friends Sessions



Statistics from September 2018

Wealden Dementia Action Alliance Forums

Uckfield Dementia Forum

- **Started** November 2016
- **Events** Saturday Socials, Film Screening, Helpful Information Afternoon, dementia friend sessions & Christmas events
- **Support** 20 businesses and voluntary organisations

Polegate Dementia Forum

- **Started** May 2017
- **Events** Monthly Memory Café, Polegate Information event, dementia friendly walk & dementia friend sessions
- **Support** 14 businesses and voluntary organisations

Ninfield Dementia Forum

- **Started** Nov 2017
- **Events** Dementia friendly film screenings

Crowborough Dementia Forum

- **Started** May 2018
- **Events** Crowborough Cares & memory café in December 2018
- **Support** 19 businesses and voluntary organisations

Hailsham Dementia Forum

- **Started** December 2018

Wadhurst Dementia Forum

- **Starting** March 2019

"The WDAA has given local areas like Uckfield, the guidance and tools to take forward a vision - a vision to become a dementia friendly town"



Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Standing Orders

PURPOSE:

To review the Town Council's Standing Orders

BACKGROUND:

It is a requirement that the Town Council's Standing Orders are reviewed annually. A decision was made not to review at the last Annual Council Meeting as many of the council were new and unfamiliar with the Standing orders.

Attached below are:

- The current Hailsham Town Council Standing Orders
- The National Association of Local Councils 'Model Standing Orders' for reference

From that document:

"Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them".

Standing Orders in bold in the HTC document are mandatory statutory requirements and cannot be amended, other than minor amendments to the wording that do not change the substantive meaning of the standing order.

RECOMMENDED AMENDMENTS TO HAILSHAM TOWN COUNCIL'S STANDING ORDERS:

SO 1. (a) Meetings of the Council shall be held at the Hailsham Town Council Offices, Market Square, Hailsham at 19:30 (7.30 p.m.) hours unless the Council otherwise decides at a previous meeting.

Questions from members of the public will commence at 19:30 (7.30 pm).

Recommendation: Change time to 7.00pm.

SO27. (b) A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements (which are in bold), shall be proposed by a special motion, and when proposed and seconded, shall stand adjourned without discussion to the next ordinary meeting of the council

Recommendation – Remove this Standing Order.

Hailsham Town Council

Standing Orders



Hailsham
TOWN COUNCIL

This version – last amended and reviewed:
July 2018

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Hailsham Town Council Standing Orders – Review July 2018

1. Meetings |Generally

- F** Full Council meetings
- C** Committee meetings
- S** Sub-committee meetings

FCS a. Meetings of the Council shall be held at the Hailsham Town Council Offices, Market Square, Hailsham at 19:30 (7.30 p.m.) hours unless the Council otherwise decides at a previous meeting.

Questions from members of the public will commence at 19:30 (7.30 pm).

It should be noted that public statements should be concise and limited to three minutes per person.

The Meetings of Committees and Sub-Committees shall be held at the Town Council Chambers or at some other place or time as shall be decided.

F b. 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.

F c. 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 d. The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting

FC e. 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.

f. 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.

g. The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the chairman of the meeting.

h., A member of the public shall not speak for more than three minutes.

i. A question from a member of the public 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.

j. A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.

k. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.

l. 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.

FC m. A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

- (i) film, photograph or make an audio recording of a meeting;**
- (ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place later;**
- (iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting**

FC n. The press or any other person shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

F o. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).

F p. 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.

FCS q. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.

- FCS** **r. The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

- FCS** **s. Voting on a question 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 or abstained from voting.** Such a request shall be made before moving on to the next item of business on the agenda.

If at least two members so request, voting on a question may be done by signed ballot.

- t. The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

- FCS** **u. 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.**

- F** **v. No business may be transacted at a meeting of the council 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 three.**

See standing orders below for the quorum of a committee or sub-committee meeting.

- FCS** **w. 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.**

- CS
- x. A meeting shall not exceed a period of three hours.
 - y. If three council committee members present at a meeting of a Committee or Sub-Committee request it not to exercise its executive powers, or any delegated authority it has as defined in its terms of reference, in respect of a matter under consideration, then it shall not do so and shall make a recommendation to Council instead. This will then be debated fully at the next meeting of full council and no decision shall be made except by resolution of full council.

2. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least five clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least three clear working days before the meeting.
- e If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion (and other items) on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

3. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

4. Handling confidential or 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 which for special reasons would not be in the public interest.

5. Committees and sub-committees

- a The Chairman and/or Vice-Chairman of the Council shall be voting members of every committee
- b **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

- c **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- d **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- e The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall then permit a committee to alter the number and time of its meetings;
 - iv. shall appoint and determine the terms of office of members of such a committee;
 - v. Shall appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Town Clerk or the Deputy Town Clerk by mid-day on the day of the meeting that they are unable to attend
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

xii. may dissolve a committee.

6. 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 first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman 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 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. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees
- ix. Review of representation on or work with external bodies and arrangements for reporting back;
- x. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;;
- xi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

7. Extraordinary meetings of the council and committees and sub-committees

- 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.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee [or the sub-committee], any two members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

8. Voting on appointments

- a Where more than two 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. A tie in votes may be settled by the casting vote exerciseable by the chairman of the meeting.

9. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- h If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- i Only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- j One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- k A councillor may not move more than one amendment to an original or

substantive motion.

- l The mover of an amendment has no right of reply at the end of debate on it.
- m Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- n Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- o During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- p A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- q When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- r Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- s Excluding motions moved, the contributions or speeches by a councillor shall relate only to the motion under discussion

10. Closure

- a. At the end of any speech a member may, without comment, move “that the question be now put”, that “the debate be adjourned” or “that the debate be now adjourned” or “that the Council do not adjourn”. If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. 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 be issued, except a notification of the date of continuation of the meeting, to members not present.)

11. Rescission Of Previous Resolution

- a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution carried by a majority of two-thirds of those present and voting.

12. 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 person(s) disregard 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under the standing order 13b 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.

13. Management of Information

- a. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data)

which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of the personal data.

- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g the Limitation Act 1980).
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential or personal data without legal justification.

14. 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with these standing orders
- 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.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
 "The chairman of this meeting does not believe that the minutes of the meeting of the (*committee name*) held on [*date*] were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

15. Code of conduct and dispensations

- a All councillors and non-councillors with voting rights 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 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 another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **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.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required
- h **A dispensation may be if having regard to all relevant circumstances the following applies:**
 - ii. **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**
 - iii. **granting the dispensation is in the interests of persons living in the**

- council's area or**
- iv. **it is otherwise appropriate to grant a dispensation.**

16. Code of Conduct Complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall report this to the council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take.
- c The council may:
- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

17. 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. Ensure that at least three clear days before a meeting of the council, a committee and a sub-committee a summons is served served on councillors, by email, or is posted to them, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].
 - ii. **Ensure that the public are given notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

- iii. include on the agenda all motions in the order received unless a councillor has given written notice at least three days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. 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;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. manage the recording of every planning application notified to the council and the council's response to the local planning authority;
- xv. manage access to information about the council via the publication scheme; and
- xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

18. Responsible Financial Officer

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

absent.

19. Accounts and accounting statements

- 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 council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- 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, or income and expenditure) 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.

20. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up or approved 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 £25,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **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 £25,000 shall be procured on the basis of a formal tender .**
- d **Where the estimated value of a public contract exceeds £25,000 (net of VAT) the council must comply with Articles 109 to 114 of the 2015 regulations Regulation 110 which provides that the council must advertise a contract opportunity, is summarized below as follows:**
- a) It must advertise the contract opportunity on the "Contract Finder" website – Whether or not it advertises the opportunity elsewhere.
 - b) It must advertise the contract opportunity on Contract Finder within 24 hours of advertising elsewhere.

Further details regarding this process can be found in the Council's Financial Regulations.

- e 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 or relevant terms of reference.
- f Neither the council, nor a committee or a sub-committee with delegated responsibility or relevant terms of reference for considering tenders, is bound to accept the lowest value tender.
- g **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for public works contract (or other thresholds determined by the European Commission every two years and published in the Official of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- h **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published by OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

21. Responsibilities to provide information

- a In accordance with the freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

22. Responsibilities Under Data Protection Legislation

- a The Council shall appoint a Data Protection Officer
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The council shall maintain a written record of its processing activities.

23. Relations with the press/media

- a 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.

24. 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 The council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

25. Communicating with District and County councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of Wealden District and East Sussex County Councils
- b Unless the council determines otherwise, a copy of each letter sent to Wealden District or East Sussex County Council shall be sent to the ward councillor(s) representing the area of the council.

26. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions to all and any council officer .

27. Standing Orders Generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements (which are 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 one that incorporates mandatory statutory requirements (which are in bold), shall be proposed by a special motion, and when proposed and seconded, shall stand adjourned without discussion to the next ordinary meeting of the council.
- 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.

28. Canvassing Of and Recommendations by Members

- 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 Town Clerk shall make known the purport of the 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.**
- c **Standing Order No. 28a and b (above) shall apply to tenders and contracts as if the person making the tender were a candidate for an appointment.**

29. Interests

If a candidate for any appointment under the Council is to his/her knowledge, related to any member of, or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who so fails to do, *shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town 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.*

30. Planning Applications

- a. The Council shall appoint, at the Annual Meeting, a Planning and Development Committee (or such committee with relevant terms of reference), to meet at three-weekly intervals, for inspection of local planning applications submitted to the Council by the Local Planning Authorities for consultation and submission of observations; and to consider and comment on all planning and development matters affecting the Town and Parish of Hailsham.
- b. The Town Clerk shall, as received, ensure the recording of the particulars of every planning application notified to the Council, and the submission of details to the next meeting of the appointed Planning and Development Committee (or such committee with relevant terms of reference), .
- c. Copies of the Reports of the meetings of the Planning and Development Committee (or such committee with relevant terms of reference), showing observations and comments sent to the Appropriate Planning Authority, shall be available for inspection by Council members within 3 (three) working days of such meeting.

MODEL STANDING ORDERS 2018 (ENGLAND)

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INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

HOW TO USE MODEL STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word “councillor” is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this '()' requires information to be inserted by a council. A model standing order that includes brackets like this '[]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed () minutes without the consent of the chairman of the meeting.

2. 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 person(s) disregard 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 2(b) 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.

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-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 **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- d **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.**
- e 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.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed () minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than () minutes.
- h In accordance with standing order 3(e), 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.
- i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k 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.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

- s **Unless standing orders provide otherwise, voting on a question 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.

- t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- u **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.**

- v **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 three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- w **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.
- x A meeting shall not exceed a period of () hours.

4. COMMITTEES AND SUB-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. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer () days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. 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 councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- 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 decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) 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 there is one, 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 annual 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 shall 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 annual 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 shall give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business 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. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;

- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- 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 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 shall 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 the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within () days of having been requested to do so by () members of the committee [or the sub-committee], any () members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least () councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least () clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least () clear days before the meeting.
- e If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. **DRAFT MINUTES**

Full Council meetings ●
 Committee meetings ●
 Sub-committee meetings ●

- 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- 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.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights 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 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 another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **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.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - 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;**
 - 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.**

14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. **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 or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in his absence Vice-Chairman (if there is one) of the () Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(*see also standing order 23*).

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 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 (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 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 (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability 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 apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. **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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. 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.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or**

other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

- g. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the () committee] OR [the () sub-committee] is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of [the () committee] OR [the () sub-committee] or, if he is not available, the vice-chairman (if there is one) of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.
- c The chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the () committee] OR [the () sub-committee].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title]

relates to the chairman or vice-chairman of [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].

- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. **RELATIONS WITH THE PRESS/MEDIA**

- a 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.

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **[Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

The above is applicable to a Council with a common seal.

OR

[Subject to standing order 23(a), 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.

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a 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 OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, 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 one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least () councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Report to: Hailsham Town Council

Date: 17th July 2019

By: John Harrison, Town Clerk

Title of Report: Indemnity Agreement

PURPOSE:

To consider signing an indemnity agreement related to the payment of S106 monies to the Town Council.

BACKGROUND:

Email received from Wealden District Council legal services 10.07.2019

I have recently been liaising with the Head of Planning with regard to the exact wording (and requirements) for the Indemnity Agreement and I am now attaching the draft for your consideration.

You will see that the draft includes the sum of £258,175.69 that is the monies received so far from the District Council from some Planning Obligations in relation to the provision/improvement/maintenance of off site youth and adult playing spaces in Hailsham. The District Council are also likely to receive at some point a sum from the S106s in relation to the Arlington Road East, Hailsham (defined in the attached draft as "the Remaining Planning Obligation") again for off site youth and adult play space in Hailsham and in order that there can be a smooth handover of this sum to the Town Council, when/if these monies are received by the District Council, we have included reference to that within the attached draft although the amount has not been specified as it will depend on when such monies are actually received.

CONSIDERATIONS.

The Town Council is recommended to resolve to the sign and execute the Deed of Indemnity through use of the Council's seal.

Attached as appendices to the report:

- Indemnity Agreement
- Letter to Chris bending, head of Planning, WDC
- Spreadsheet detailing monies to be paid.

DATED

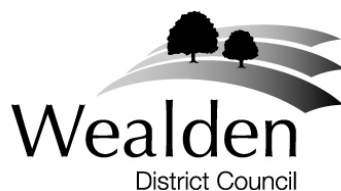
2019

WEALDEN DISTRICT COUNCIL (1)

and

HAILSHAM TOWN COUNCIL (2)

**INDEMNITY AGREEMENT
pursuant to Section 111 of
the Local Government Act 1972
relating to the payment of sums for youth and
adult facilities in Hailsham from various
developments of land in Hailsham**



Legal Services Manager
Wealden District Council
Vicarage Lane
HAILSHAM
East Sussex
BN27 2AX

THIS AGREEMENT is made the day of 2019

BETWEEN

1. **WEALDEN DISTRICT COUNCIL** of Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX ("the District Council")
2. **HAILSHAM TOWN COUNCIL** of Inglenook, Market Street, Hailsham, East Sussex, BN27 2AE ("the Town Council")

RECITALS:

1. The District Council is the local planning authority for the purposes of Section 106 of the Town & Country Planning Act 1990 as amended for the administrative district of Wealden and was a party to the Planning Obligations.
2. In accordance with the terms of the Planning Obligations the Off Site Playing Space Sum has been paid to the District Council.
3. In accordance with the terms of the Remaining Planning Obligation the Youth and Adult Playing Space Commuted Sum is due to be paid to the District Council.
4. The Town Council has requested that the District Council pay to the Town Council the Off Site Playing Space Sum and accrued interest (if any) to be expended for the Agreement Purposes.
5. The Town Council has requested that the District Council pay to the Town Council the Youth and Adult Playing Space Commuted Sum (when received by the District Council) and accrued interest (if any) to be expended for the Agreement Purposes.

6. In accordance with the terms of the Planning Obligations and the Remaining Planning Obligation the District Council agrees to pay the Off Site Playing Space Sum and, when received by the District Council, the Youth and Adult Playing Space Commuted Sum and accrued interest (if any) to the Town Council **SUBJECT TO** the Town Council agreeing to enter into the covenants in this agreement pursuant to section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 to provide an indemnity as hereinafter described.

NOW THIS DEED WITNESSETH as follows:

AGREEMENT

1 Definitions and interpretation

- 1.1 In this Agreement the following words and expressions shall have the following meanings unless the context requires otherwise:

“the Planning Obligations”

means the following agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 and:

- 1) dated 10th April 2006 as varied by a Deed of Variation dated 5th October 2006 both made between the District Council (1), B K Rivett & B A Flues & J A Ball (2) and Rydon Homes Limited and as further varied by a Supplemental Deed dated 24th December 2008 and a Deed of Variation dated 21st June 2011 both made between the District Council (1) and Taylor Wimpey UK Limited (2) and all relating to land at Woodholm Farm, Hailsham, East Sussex, and;
- 2) dated 3rd December 2009 made between the District Council (1), Mr E J & Mrs D G Trumbell (2), New Life Mortgages Limited (3) and Trinity Homes (UK) Limited (4) relating to land at 164a Hailsham Road, Hailsham, East Sussex, and;
- 3) dated 16th March 2010 and a Supplemental Agreement dated 30th April 2010 both made between Francis Alan Hibbs and Joseph Henry George Guy (1), MJ Gleeson Group PLC (2), the District Council (3) and East Sussex County

Council (4) relating to land east of Woodside Farm, Hempstead Lane, Hailsham, East Sussex, and;

- 4) dated 26th November 2010 made between the District Council (1), Margaret Ann Holt (2) and Countrival Limited (3) relating to land west of Greenfields, Hempstead Lane, Hailsham, and;
- 5) dated 14th February 2013 as varied by a Deed of Variation dated 30th January 2014 both made between the District Council (1), Michael Richard Vine (2), Sarah Elizabeth Wilson (3), Jennifer Smith (4) and Susan Vine (5) and as further varied by a Deed dated 8th June 2016 made between the District Council (1) and Matthew Homes Limited (2) relating to land at Ersham Farm, Hailsham, East Sussex.

“the Remaining Planning Obligation”

means the unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 and dated 24th July 2007 made to the District Council by Kitewood Estates Limited (1), Alice Judith Snook (2), Janet Penrose Latham (3) and Credit Suisse (UK) Limited (4) as varied by a Deed of Variation dated 19th June 2012 made between the District Council (1), Alice Judith Snook and James George Arderne Latham (2) and Kitewood Estates Limited (3) and as further varied by Deed of Variation dated 27th June 2017 made between the District Council (1), Arlington Road Limited (2) and Close Brothers Limited (3) relating to land at Arlington Road East, Hailsham.

“Agreement Purposes”

means for the purpose of the provision/improvement/maintenance of off site youth and adult playing spaces in Hailsham as referred to in the Planning Obligations.

“Off Site Playing Space Sum”

means the sum of £258,175.69 inclusive of any indexation and interest as set out and received in accordance with the Planning Obligations plus further interest (if any) to be expended for the Agreement Purposes.

“Youth and Adult Playing Space Commuted Sum”

means a sum inclusive of any indexation and interest as set out in accordance with the Remaining Planning Obligation plus further interest (if any) to be expended for the Agreement Purposes.

“Town Council Interest”

means the interest which is earned once the Town Council has placed the Off Site Playing Space Sum and/or the Youth and Adult Playing Space Commuted Sum in an interest bearing account.

2. **Legal Powers**

THIS Agreement is made pursuant to Section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 for the purpose of reassuring the District Council that the Town Council will use the Off Site Playing Space Sum in accordance with the Planning Obligations, and will when received use the Youth and Adult Playing Space Commuted Sum in accordance with the Remaining Planning Obligation, and as provided in this Agreement.

3. **Enforceability and Commencement**

- 3.1 This Agreement takes effect upon execution hereof and the various covenants restrictions requirements stipulations on the part of the Town Council in this Agreement are entered into under the provisions and powers referred to in Clause 2 and are enforceable by the District Council against the Town Council.
- 3.2 For the purposes of (inter alia) the Contracts (Rights of Third Parties) Act 1999 nothing in this Agreement is intended to confer any benefit upon or create rights in favour of any party other than the parties executing this Agreement and any successors to their respective functions.

4. **Covenants by the Town Council:**

IN CONSIDERATION of the payment by the District Council to the Town Council of:

- i) the Off Site Playing Space Sum the receipt of which is hereby acknowledged; and
- ii) the Youth and Adult Playing Space Commuted Sum, when received by the District Council:

the Town Council agrees as follows:

- 4.1. a) it will use the Off Site Playing Space Sum solely for the Agreement Purposes pursuant to the provisions of the Planning Obligations and for no other purposes whatsoever; and
b) it will use the Youth and Adult Playing Space Commuted Sum solely for the Agreement Purposes pursuant to the provisions of the Remaining Planning Obligation and for no other purpose whatsoever.
- 4.2. to indemnify the District Council fully against any costs or claims which may arise in respect of any breach of the Town Council's obligations under this Agreement and any misuse or misappropriation of the Off Site Playing Space Sum and/or the Youth and Adult Playing Space Commuted Sum and any Town Council Interest that should have been earned thereon;
- 4.3. on receipt of the Off Site Playing Space Sum to separately identify and place the Off Site Playing Space Sum in an interest bearing account until both the principal and any interest is completely expended for the Agreement Purposes;
- 4.4. on receipt of the Youth and Adult Playing Space Commuted Sum to separately identify and place the Youth and Adult Playing Space Commuted Sum in an interest bearing account until both the principal and any interest is completely expended for the Agreement Purposes

- 4.5. to maintain a record of all payments received and made pursuant to the Agreement Purposes which record shall be made available to the District Council upon request in respect of each of the payments comprised in the sums comprising the Off Site Playing Space Sum and the Youth and Adult Playing Space Commuted Sum detailing how they have been allocated and details of the Town Council Interest and any bank statements relating to the accounts;
- 4.6. to keep from receipt of the Off Site Playing Space Sum and the Youth and Adult Playing Space Commuted Sum from the District Council the originals of specifications tender documents, bids and quotes contracts, schedules of works, surveyor's reports as to the carrying out of works, authorisations by the Town Council for the Agreement Purposes or any part thereof either by the Town Council or its committees or by officers under delegated powers
- 4.7. to produce copies either in paper form or in pdf format of the documents required to be kept under Clause 4.5 and 4.6 and submit them to the District Council within 28 days of a request to do so by the District Council;
- 4.8. to give the District Council written notice within 21 days of the completion of the expenditure of the whole of the Off Site Playing Space Sum and/or Youth and Adult Playing Space Commuted Sum the and the Town Council Interest upon the Agreement Purposes.
- 4.9. within 21 days of the expiry of the period of ten years from receipt of the Off Site Playing Space Sum and/or the Youth and Adult Playing Space Commuted Sum by the District Council to reimburse to the District Council any unexpended monies from the balance of the Off Site Playing Space Sum and/or the Youth and Adult Playing Space Commuted Sum and the Town Council Interest

EXECUTED as a Deed by the District Council and by the Town Council and delivered this Deed on the date set out at the head of this Agreement

EXECUTED as a Deed by affixing the
common seal of **WEALDEN DISTRICT
COUNCIL** in the presence of:

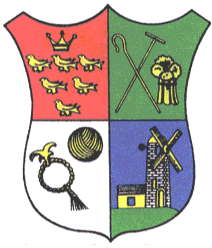
Authorised Signatory



EXECUTED as a Deed on behalf of
HAILSHAM TOWN COUNCIL in the
presence of:

Signatory(ies)





Hailsham

TOWN COUNCIL

Hailsham Town Council

Inglenook, Market Street
Hailsham
East Sussex
BN27 2AE

T: (01323) 841702

F: (01323) 842978

E: enquiries@hailsham-tc.gov.uk

www.hailsham-tc.gov.uk

Town Clerk: John Harrison

Mr Chris Bending
Head of Planning & Environmental Services
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX

Dear Chris,

RE Section 106 Monies

Thanks for your time during the meeting we had on 26th November to discuss available Section 106 monies, originally paid for the enhancement of leisure facilities in Hailsham. At the meeting you advised that there is currently £258,175.69 available on formal request (I attach a copy of the spreadsheet detailing this that you presented to us at the meeting). Please therefore accept this letter as a formal request to transfer this amount to Hailsham Town Council.

This is done on the understanding that these monies are principally for the development of 'casual informal' spaces, principally for adult and youth facilities, rather than for e.g. play equipment for younger children, and that we would need to have an ongoing dialogue with yourselves regarding the suitability of any scheme we intended to fund with these monies.

If you need this request in any other format, such as a hard copy mailed to you, or you require any further information before you can make the payment, please do let me know ASAP,

Yours Sincerely,

John Harrison,
Town Clerk, Hailsham Town Council
John.harrison@hailsham-tc.gov.uk

LA Ref	Application No	Location	Contribution Due (estimated)	£ In	£ Out
LA/2007/0005	WD/2006/2674/MAO	LAND BETWEEN ARLINGTON ROAD EAST/SOUTH ROAD AND A22, HAILSHAM.	48,000.00	-	-
LA/2006/0004	WD/2005/3100/MEA	LAND AT WOODHOLM FARM, LUNDY WALK, HAILSHAM.	-	101,905.51	-
LA/2009/0010	WD/2009/1578/MAJ	LAND AT 164A BATTLE ROAD, HAILSHAM.	-	12,882.90	-
LA/2010/0003	WD/2006/3045/MAO	LAND TO THE EAST OF WOODSIDE FARM, HEMPSTEAD LANE, HAILSHAM.	-	64,067.81	-
LA/2013/0002	WD/2012/0985/MAO	ERSHAM FARM, ERSHAM ROAD, HAILSHAM, BN27 3LJ.	-	41,706.00	-
LA/2010/0012	WD/2008/1880/O	LAND WEST OF GREENFIELDS, HEMPSTEAD LANE, HAILSHAM, BN27 3AD.	-	37,613.47	-
Total remaining (including estimated sums)			48,000.00	258,175.69	-
					306,175.7