

## **RIPLEY PARISH COUNCIL STANDING ORDERS**

**Adopted 19<sup>th</sup> November 2015. Minute 120/15.**

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## **1. Meetings**

- a) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost. Except where the Council decides otherwise, all meetings will be held in The Church Room, St Mary Magdalen Church, High Street, Ripley.
- b) Meetings of the Council will be held during each year on dates and times and in a place that the Council decides. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- c) All full council meetings will begin at 7.30pm and will end no later than 10.00pm or at the Chairman's discretion. Any unfinished business will be included in the agenda of the next meeting unless dealt with in the interim.
- d) The council shall meet at least six times in each year.
- e) The minutes of the meeting shall record the names of the councillors present and absent.
- f) If prior to meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- g) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.

## **2. Admission of the Public and Press**

- a) 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 resolution which will give reasons for the public's exclusion.
- b) At 7.30pm, immediately before the start of each ordinary Full Council meeting, Ripley Parish Council will invite members of the public present at that time, to ask questions on any local government matter. If the matter is one for the district or county council, the questioner will be informed of the appropriate contact details. If the matter is appropriate to be dealt with by Ripley Parish Council, then an answer may be given or if necessary a written reply will follow.
- c) The period of time which is designated for public participation in accordance with standing order 2(b) shall not exceed 15 minutes.
- d) Any person speaking at the meeting shall address their comments to the Chairman.

- e) Only one person is permitted to speak at a time. If more than one person wishes to speak the Chairman shall direct the order of speaking.
- f) A record of public participation at a meeting shall be included in the minutes of that meeting.
- g) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted without the Council's prior consent. Members of the public or press may film, photograph or make an audio recording of a meeting, use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, and report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- h) In accordance with standing order 2(a) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

### **3. Chairman of the Meeting**

- a) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice-Chairman.
- b) 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.

### **4. Quorum of the Council**

- a) 3 members shall constitute a quorum at meetings of the full council.
- b) If a meeting is or becomes inquorate, no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

### **5. Voting**

- a) Subject to standing order 4(b) above, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.
- b) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not an original vote was given.
- c) Voting on any 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.

d) The code of conduct shall apply to councillors in respect of the entire meeting

## **6. The Statutory Annual Parish Council Meeting**

- a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office.
- b) In a year which is not an election year the Annual Parish Council Meeting 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) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the council.
- e) The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual parish council meeting until their successor is elected at the next annual parish council meeting.
- f) The Vice-Chairman of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the annual meeting of the Council.
- g) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she 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 equality of votes.
- h) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she 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.

## **7. Order of Business at the Annual Parish Council Meeting**

Following the election of the Chairman and Vice- Chairman of the Council, the order of business shall be as follows:

- a) In an election year, delivery by councillors of their declarations of acceptance of office.
- b) Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of committees.
- c) Review of delegation arrangements to committees and employees.
- d) Review of the terms of references for committees.

- e) Receipt of nominations to existing committees and working groups.
- f) Review of representation on or work with external bodies and arrangements for reporting back.

## **8. Proper Officer**

- a) The Council's Proper Officer shall be the Clerk.
- b) The Council's Proper Officer shall do the following:
  - i) Sign and Serve on councillors by delivery or post at their residence a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a Committee at least 3 clear days before the meeting. Parish councillors may opt-in to receive Agendas for meetings via email.
  - ii) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a Committee (provided that the public notice with the agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - iii) Convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order 8(b)(i) above.
  - iv) Make available for inspection the minutes of meetings.
  - v) Receive and retain byelaws made by other local authorities.
  - vi) Receive and retain declarations of acceptance of office from councillors
  - vii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - viii) Keep proper records required before and after meetings.
  - ix) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - 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 and access to information held by the Council in paper and electronic form.
  - xii) Arrange for legal deeds to be signed by two councillors and witnessed.

- xiii) Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xv) Refer every planning application received to the Planning Committee.

#### **9. Motions requiring written notice**

- a) No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 5 clear days before the next meeting.
- b) the Proper Officer may, before including a motion in the agenda received in accordance with standing order 10(a) above , correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Proper Officer considers the wording of a motion received in accordance with standing order 9(a) above is not clear in its meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 4 clear days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e) Having consulted the Chairman or councillors pursuant to standing order 10(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **10. Motions not requiring notice**

Motions in respect of the following matters may be moved without written notice:

- a) To appoint a person to preside at a meeting.
- b) To approve the absences of councillors
- c) To approve the accuracy of the minutes of the previous meeting
- d) To correct an inaccuracy in the minutes of the previous meeting
- e) To dispose of business, if any, remaining from the last meeting
- f) To alter the order of business on the agenda for reasons of urgency or expedience
- g) To proceed to the next business on the agenda
- h) To close or adjourn the debate

- i) To refer by formal delegation matter to a committee, working group or an employee
- j) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- k) To receive nominations to a committee or sub-committee
- l) To dissolve a committee or sub-committee
- m) To note the minutes of a committee or sub-committee
- n) To consider a report and/or recommendations made by a committee or sub-committee or an employee
- o) To consider a report and/or recommendations made by an employee, professional advisor or consultant
- p) To authorise legal deeds to be signed by two councillors and witnessed.
- q) To authorise the payment of monies.
- r) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- s) To extend the time limit for speeches
- t) To exclude the press and public for all or part of a meeting.
- u) To silence or exclude from the meeting a Councillor or member of the public for disorderly conduct.
- v) To give consent of the Council if such consent is required by standing orders.
- w) To suspend any standing order except those which are mandatory by law.
- x) To adjourn the meeting.
- y) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- z) To answer questions from councillors.

## **11. Rules of Debate**

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b) Subject to standing orders 9(a)-(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c) A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

### **Amendments to a motion**

- d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f) Any amendment to a motion shall be either:
  - i) to leave out words
  - ii) to add words

- iii) to leave out words and add other words
- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i) Subject to standing order 11(h) above one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j) Pursuant to standing order 11(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k) if an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion upon which any further amendment may be moved.

### **Right of Reply**

- m) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate and immediately before it is put to the vote.
- o) Subject to standings orders 11(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p) 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 irregularity in the meeting he is concerned by.
- q) A point of order shall be decided by the Chairman and his decision will be final.
- r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s) Subject to standing order 11(o) above, when a councillor's 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 the vote
- v) To ask a person to be silent or for him 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 debate;
- ix) to suspend any standing order, except those which are mandatory.

### **Closure**

- t) In respect of standing order 11(s) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after the right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

### **12. Code of Conduct**

- a) All councillors shall observe the code of conduct adopted by the Council on 19<sup>th</sup> July 2012.
- b) All councillors will familiarise themselves with the code of conduct within 6 months of the delivery of their declaration of office.
- c) Any councillor present at a meeting who is aware that they have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, and who has not received a dispensation in respect of that interest **must**:
  - (i) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in the code of conduct, disclose merely the fact that it is a disclosable pecuniary interest);
  - (ii) not participate in any discussion or vote regarding that matter; and
  - (iii) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Disclosable pecuniary interest includes:

- Details of the councillor's employment;
- Any election expenses they may receive;
- Any contract for goods, services or works that they or their firm or company may have with the Council or
- Any land within the parish in which they have a beneficial interest.

### **13. Disorderly Conduct**

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

- b) If, in the opinion of the Chairman, there has been a breach of standing order 13(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c) If a resolution made in accordance with standing order 13(b) above, is disobeyed, the Chairman may take further steps as may reasonably be necessary to enforce it and/or the meeting may be adjourned.

#### **14. Rescission of Previous Resolutions**

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to standing order 14(a) above has been disposed of, no similar motion may be moved within a further 6 months.

#### **15. Voting on Appointments**

Where more than two persons have been nominated for a position to be filled by the Council and out of the votes received 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 will be removed from the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any Tie may be settled by the Chairman's casting vote.

#### **16. Expenditure**

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The financial regulations shall be reviewed every 4 years.
- c) The financial regulations may make provision for the authorisation of the payment of money in exercise of any of the council's functions to be delegated to a committee, sub-committee or to an employee.

#### **17. Execution of legal deeds**

See also standing order 10(p) above.

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

- b) In accordance with a resolution made under standing order 17(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **18. Committees**

The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and

- a) shall determine their terms of reference;
- b) may permit committees to determine the dates of their meetings;
- c) shall appoint and determine the term of office of a councillor or non-councillor members of such a committee so as to hold office no later than the next annual meeting;
- d) may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
- e) an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- f) may in accordance with standing orders dissolve a committee at any time.

## **Planning**

The quorum of the Planning Committee shall be three councillors.

The Planning Committee has delegated powers to submit observations to Guildford Borough Council and Surrey County Council.

The Planning Committee may refer planning applications to full council.

## **Christmas Event**

The quorum of the Christmas Event Committee shall be two councillors.

The Christmas Event Committee has delegated powers to make payments necessary for the setting up of the Event up to £200 per item and to organise a raffle.

## **19. Sub-Committees**

Unless there is a council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## **20. Extraordinary Meetings**

- a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

- c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d) If the Chairman of a committee or sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by two councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- e) If a person or persons decide to call an extraordinary meeting, the Clerk must be informed of that decision with a clear description of the business.

## **21. Advisory Committees**

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

## **22. Accounts and Financial Statement**

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of the quarter. This statement should include a comparison with the budget for the financial year. A financial Statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30<sup>th</sup> June.

## **23. Estimates/Precepts**

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

## **24. Canvassing of and recommendations by councillors**

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an

appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

d) If in the course of Parish Council business a councillor or employee of the council becomes aware of an attempt to influence through the offer of a bribe the outcome of a project, procurement or decision, it must be refused and reported immediately to the Clerk or in their absence the Chair.

The details of those who attempted to influence the individual and what was offered, who they work for, their contact details, the date and time of the incident will be recorded and the information will be passed in the first instance to the Monitoring Officer at Guildford Borough Council for further action.

Gifts and Hospitality over the value of £25 if accepted, must be entered on a register kept by the clerk.

## **25. Inspection of Documents**

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

## **26. Unauthorised Activities**

Unless authorised by resolution, no individual councillor shall in the name or on behalf of the Council, a committee or sub-committee:

- (i) inspect any land and/or premises which the Council has a right or duty to inspect; or
- (ii) issue orders, instructions or directions.

## **27. Confidential Business**

a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.

b) A councillor in breach of the provisions of standing order 27(a) above may be removed from a committee or a sub-committee by resolution of the Council.

## **28. Power of Well-Being (England)**

- a) Before exercising the power to promote well-being, a meeting of the full council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under Standing Order 28(a) above was made and expires on the day before the annual parish council meeting that takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 28(b) above.

### **29. Matters affecting Council Employees**

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or committee has decided whether or not to exclude the public or press pursuant to standing order 2(a) above.
- b) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- c) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- d) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 29 (b) and (c) above shall be provided only to the Clerk and the Chairman of the Council.

### **30. Freedom of Information Act 2000**

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

### **31. Relations with the Press/Media**

- a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed by the Parish Clerk who is authorised to issue press statements on behalf of the Council.
- b) Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

### **32. Liaison with County and Borough Councillors**

An Invitation to attend a meeting of the Council shall be sent, together with the agenda, to the County and Borough Councillors representing Ripley.

### **33. Financial Matters**

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 accounting records and systems of internal control;
- (ii) the assessment and management of financial risks faced by the Council;
- (iii) the work of the Internal auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- (iv) the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- (v) procurement policies (subject to standing order 33(b) below including the setting of values for different procedures where the contract has an estimated value of less than £10,000.

b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 33(c).

c) Any formal tender process shall comprise the following steps:

- (i) a public notice of intention to place a contract to be placed in a local newspaper;
- (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
- (iii) tenders are to be sent, in a sealed, marked envelope, to the Proper Officer by a stated date and time;
- (iv) tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
- (v) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

d) Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote.

e) Where the value of a contract is likely to exceed £138,983 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI no.5, as amended) and the Utilities Contracts Regulations 2006 (SI No.6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

### **34. Allegations of Breaches of the Code of Conduct**

a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman of the Council.

b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing

order, who shall continue to act in respect of that matter as such until the complaint is resolved.

- c) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - (i) draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed;
  - (ii) Ensure that any background papers containing the information set out in standing order 34 (a) above are not made public;
  - (iii) Ensure that the public and press are excluded from meetings as appropriate;
  - (iv) Ensure that the minutes of the meetings preserve confidentiality;
  - (v) Consider any liaison that may be required with the person or body with the statutory responsibility for the matter.
- d) Standing order 34 (c) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- e) The Council shall have the power to:
  - (i) seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - (ii) seek and share information relevant to the complaint;
  - (iii) grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full council.
- f) References in standing order 34 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

### **35. Variation, revocation and suspension of standing orders**

- a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 4 councillors.

### **36. Standing orders to be given to councillors**

- a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b) The Chairman's decision as to the application of standing orders at meetings shall be final.



c) A Councillor's failure to observe standing orders more than 3 times in one meeting may result in their being excluded from the meeting in accordance with standing orders.