

Part 4

Rules of Procedure

(1) Council Procedure Rules

INTRODUCTION

1. The power to make Standing Orders (referred to in this Constitution as “Council Procedure Rules”) for the regulation of the Council’s proceedings and business is contained in the Local Government Act 1985. The Council Procedure Rules seek to regulate the proceedings and business of the Council without regard to party or other advantage and in the sole interest of an efficient representative local democracy.

PART I: INTERPRETATION

In these Standing Orders, where not inconsistent with the provisions thereof, "The Mayor" shall mean the person chairing a meeting of the Council or of a Committee for the time being.

The ruling of the Mayor or Chair upon the construction and application of these Standing Orders at a meeting shall be final.

The term "Chief Executive" shall include any properly nominated person acting in that capacity.

Terms within these Standing Orders that imply gender shall be interpreted as applying equally to both genders.

PART II: COUNCIL

1	Annual and Quarterly Meetings The Council shall hold an annual meeting on the second Wednesday in May of each year, and shall hold a quarterly meeting on the second Wednesday in August, November and February.
2	Monthly Meetings In addition to the quarterly meetings prescribed in Standing Order No.1, the private meeting prescribed by Standing Order No. 7, and any special meetings under Standing Orders No. 3 and 4, the Council shall meet on the second Wednesday in the months of January, March, April, June, July, October and December in each year for the transaction of its ordinary business.
3	Special Meetings The Mayor or Chief Executive may at any time call a special meeting of the Council. The provisions of Standing Order No. 10 (Notice of Meeting) shall apply to the notice to be given of any such meeting.
4	Special Meetings at request of Members At the request in writing, signed by at least one third of the members of the Council, the Mayor in consultation with the Chief Executive may call a special meeting of the Council for the transaction of the business specified in such requisition. Notice of such meeting shall be given in accordance with Standing Order No. 10 (Notice of Meeting) and shall specify the business to be transacted and the names of the Members signing the requisition. The date of any meeting convened under this Standing Order shall be no later than 21 days from the receipt of the requisition.
5	Special Meetings at request of Members If the Mayor on receiving a requisition in accordance with Standing Order No. 4 does not within seven days convene a meeting of the Council, the Chief Executive shall,

	<p>on presentation of a requisition similarly signed by no less than one third of the total number of Councillors, convene a meeting to be held within 21 days from receipt of the requisition.</p>
6	<p>Business to be transacted at Special Meetings</p> <p>Where a meeting of the Council is convened on requisition by members of the Council, the notice convening such meeting shall specify the business to be transacted thereat, and no business other than that so specified shall be transacted.</p>
7	<p>Private Meeting - Selection of Mayor</p> <p>The Chief Executive shall convene a special private meeting of the Council on the last Friday in March in each year for the purpose of selecting the Mayor for the ensuing Municipal Year. If the Council is unable to make such a selection or if the selected member is no longer a Member of the Council by 1st May, a person will be selected either at a special meeting convened in accordance with Standing Order No. 8 or at another special meeting convened by the Chief Executive especially for the purpose in May before the Annual Meeting.</p> <p style="text-align: right;">Amended: April 2014</p>
8	<p>Special Council Meeting - Election of Leader, Chairs and Members of Committees</p> <p>In every year of the general election of Councillors, and every two years thereafter, the Chief Executive shall convene a special public meeting of the Council between 1st May and the Annual Meeting of the Council. At such meeting the business will be as set out in Standing Order 81 (Election of Leader, Chairs and Members of Committees) but in the year of a general election of Councillors that business shall be preceded by the confirmation of the selection of Mayor.</p> <p style="text-align: right;">Amended: April 2014</p>
9	<p>Commencement Time and duration of Meetings</p> <p>All meetings of the Council referred to in Standing Orders 1, 2, 3, 7 and 8 except the Annual Meeting which shall commence at 3.00 p.m. on the second Wednesday in May in every year, shall commence at 2.30 p.m. in the afternoon unless in special circumstances the Mayor or Chief Executive shall fix some other hour for the holding of any meeting.</p> <p>If any business before the Council is not completed at 6.30 p.m. the Council shall immediately decide by majority decision of the Members present and eligible to vote, how any outstanding business should be dealt with. In the absence of any majority decision the meeting shall stand adjourned until 10.00 a.m. the following day.</p>
10	<p>Notice of Meeting</p> <p>Three clear days at least before any meeting of the Council, or, where the meeting is convened under Standing Order No. 3 and the business certified by the Mayor and two Lead Members to be of sufficient urgency to warrant an urgent meeting, twenty-four hours before such a meeting, a summons to attend the meeting, specifying the business to be transacted thereat, shall be left or delivered by post at</p>

	<p>the usual place of abode of every member of the Council. Notice of a public meeting shall be displayed at the Town Hall. Want of service of a summons on any members of the Council shall not affect the validity of the meeting.</p> <p>Alternatively, such summons may be served electronically by transmitting it to the e-mail address of the Member except where any Member has elected not to accept such means of delivery and notified the Chief Executive in writing accordingly.</p> <p style="text-align: right;">Amended: December 2012</p>
11	<p>Form of Summons</p> <p>The summonses to attend the meetings of the Council shall be printed in a uniform manner, and numbered consecutively so as to facilitate reference.</p>
12	<p>Publication of Summonses</p> <p>Council summonses and printed reports of the various Committees (except where such business is transacted in private under Standing Order No.) shall be sent to the representatives of each news medium published in the Borough, at the same time as they are sent to members of the Council, and they shall be published on the Council's Website.</p>
13	<p>Quorum of Council at Commencement of Meeting</p> <p>Half of the whole number of members of the Council shall constitute a quorum. At every meeting of the Council, when a quorum of members is present, the chair shall be taken precisely at the time specified in the summons convening such meeting, and the business be immediately proceeded with.</p> <p>If, at the expiration of fifteen minutes after the hour at which any meeting of the Council is appointed to be held, a quorum shall not be present, no business shall be transacted.</p>
14	<p>Quorum of Council during Meeting</p> <p>Whenever it is brought to the attention of the Mayor during the transaction of business that the Council is inquorate, the Chief Executive shall call over the names of the members of the Council. If there is not a quorum present the Mayor shall declare the meeting of the Council at an end and the names of those who are present and of those who are absent, shall be recorded by the Chief Executive upon the minutes of the Council.</p> <p>The consideration of any business not then transacted shall stand adjourned to a time agreed by the members of the Council present at the time the meeting is adjourned.</p>
15	<p>Withdrawal of Members during Meetings</p> <p>After a meeting of the Council has been formally constituted, no member shall leave or withdraw from such meeting, except temporarily, without first asking and obtaining permission from the Mayor. However, such permission is not required in</p>

	any case where a Member retires under Standing Order 118 (Interest of members in Contracts and other Matters) consequent on a declaration of interest.
16	<p>Order of Business</p> <p>(1) Except where the Council on the ground of emergency vary the order of business in accordance with part (2) of this Standing Order, the order of business at every meeting of the Council shall be as follows or as near thereto as circumstances permit, a discretionary power with reference thereto being vested in the Chief Executive:</p> <ul style="list-style-type: none">(a) To choose a person to preside if the Mayor is absent.(b) Any business required by statute to be done before any other business.(c) To approve as a correct record the minutes of the last regular meeting and all intermediate meetings of the Council.(d) To hear questions pursuant to Standing Order No. 39 (Written Questions).(e) To receive and consider minutes of proceedings of the Council in Committee.(f) To receive and consider the minutes of proceedings of the Committees of the Council in the following order:<ul style="list-style-type: none">(1) The Executive Committee;(2) The Housing Committee;(3) The Pensions Committee;(4) The Standards Committee;(5) The Eastern Civic Amenity Site Joint Committee;(6) Any other Joint Committee;(7) The Regeneration and Community Committee;(8) The Environmental Services Committee.(g) To receive and consider such communications or petitions and memorials as the Mayor or Chief Executive may desire to lay before Council.(h) To consider Motions of which notice has been given under Standing Order 26 (Notices of Motion) in the order in which they have been received.(i) To consider any Miscellaneous Business of which notice has been given pursuant to Standing Orders. <p>(2) The Council may at any meeting vary the order of business so as to give precedence to any business which is of a special urgency, but such variation</p>

	<p>shall not displace business falling under items (a) and (b) in part (1) of this Standing Order.</p> <p>(3) Providing that if a member notifies the Chief Executive in writing 48 hours at least before the time fixed for commencement of a Council meeting, that a member has an interest to declare in a particular clause contained within the report of a Committee or a Lead Member, and gives notice that he or she may wish to speak on other clauses in the report, the Chief Executive shall advise the Mayor that the particular clause should be dealt with separately from the other clauses contained in the report.</p> <p style="text-align: right;">Amended: August 2015</p>
17	<p>Business to be transacted</p> <p>No business shall be transacted at a meeting of the Council other than that specified in the summons relating thereto except business prescribed by statute.</p>
18	<p>Minutes of Meetings</p> <p>Minutes of proceedings of every meeting of the Council shall be drawn up and fairly entered by the Chief Executive in a book kept for that purpose, and signed in manner authorised by statute.</p>
19	<p>Signature of Minutes</p> <p>At each meeting of the Council the minutes of the last regular meeting and of any intermediate Special Meeting shall be read, unless a printed copy thereof has been previously sent by the Town Clerk to each member of the Council when they shall be taken as read, whereupon the Mayor shall put the question that such minutes be signed as a true record. No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.</p>
20	<p>Circulation of Minutes</p> <p>A printed copy of the minutes of each meeting of the Council shall be sent to each member of the Council before the next ensuing meeting, provided that there may be omitted from any such printed copy any report, minutes, notice or other document which may have been circulated in any other form to each member of the Council. In case of such omission a brief reference shall be made in the printed copy of the minutes to the document so omitted.</p>
21	<p>Inspection of Minutes</p> <p>Upon the minutes of any meeting of the Council being circulated to Members of the Council prior to the next meeting, such minutes shall be open to public inspection. This Standing Order shall not apply in any case of ongoing negotiation or contract where the Chief Executive decides that publication would be inappropriate.</p>

22	<p>Presentation to Council of Committee Proceedings</p> <p>The proceedings, resolutions and reports of every Committee shall be presented to the Council by the Member that chaired the meeting. Should that Member not be in attendance at the Council meeting, another Member of the Committee who was in attendance may present the proceedings.</p> <p style="text-align: right;">Amended: April 2014</p>
23	<p style="text-align: right;">Deleted: April 2014</p>
24	<p>Withdrawal or Amendment of Committee Proceedings</p> <p>In moving the adoption of the report of proceedings of any Committee, the mover may request the approval of the Council to withdraw for further consideration by the Committee concerned or amend any Committee decision requiring confirmation, provided:</p> <ul style="list-style-type: none"> (a) The reason for such withdrawal or amendment shall be stated on request; and (b) Such amendment shall be limited to matters of detail or verbal or clerical error and shall not purport to alter the substance of the Committee decision.
25	<p>Committee Proceedings</p> <p>In presenting to the Council the report of proceedings of any Committee, the mover may correct any clerical or grammatical error contained therein.</p> <p>The report will be presented to the Council for information, except such elements as relate to Council Policy which will be subject to approval by the Council. All such elements will be identified in the report as policy matters.</p> <p>All other matters in the report, as delegated under Standing Order No 88 (Delegation of Powers; Referral Back of Committee Minutes) will not require Council approval.</p> <p style="text-align: right;">Amended: August 2015</p>
26	<p>Notices of Motion</p> <p>Notice of every motion, other than a motion which under Standing Order No. 33 may be moved without notice, shall be delivered in writing signed by the member or members of the Council giving the notice and delivered not later than noon on the Wednesday next before the meeting of the Council, to the Chief Executive, by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every member of the Council.</p> <p>Alternatively the motion may be submitted electronically but where a number of members of the Council purport to submit it collectively, each shall transmit a copy to the Chief Executive from their specific e-mail address. The same deadline for receipt of Notices of Motion shall apply to electronic and written forms. The Chief Executive shall acknowledge receipt of any motion received in electronic form, print it and thereafter treat it as though it had been submitted in written form but if any</p>

	<p>Notice transmitted electronically is not received by the Chief Executive for any reason it shall be void.</p> <p>Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affect the Borough and shall not exceed 100 words in length.</p> <p style="text-align: right;">Amended: December 2012 August 2015</p>
27	<p>Exclusion or Amendment of Motions</p> <p>The Chief Executive, after consultation with the Mayor, shall exclude from the Agenda for the Council Meeting any Motion which may be out of order, and may in consultation with the Member or Member giving Notice make such clerical alterations or corrections thereto as will bring such Motion into due form.</p>
28	<p>Order of Motions in Agenda</p> <p>The Chief Executive shall set out in the Agenda for the meeting of the Council, all Motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice has intimated in writing, that he proposes to move it at some later meeting, or has since withdrawn it in writing.</p>
29	<p>Motions not Moved</p> <p>If a motion set out in the Agenda be not moved either by the member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.</p>
30	<p>Reference of Motions to Committee</p> <p>If the subject matter of any Motion of which notice has been duly given comes within the province of any Committee, it shall, upon being moved and seconded, stand referred thereto without discussion, for consideration. Any consequent recommendation to Council shall be reported no later than the third Council meeting after the Motion was put. No action shall be taken in relation to the subject of the Motion until the Council has completed its consideration of the subject.</p> <p style="text-align: right;">Amended: April 2014</p>
31	<p>Motions to Rescind Resolutions</p> <p>No Motion to rescind any resolution passed within the preceding six months, and no Motion or amendment to the same effect as one which has been negatived within the preceding six months, either by the Council or a Committee acting under delegated authority shall be proposed unless the notice thereof given in pursuance of Standing Order No. 26 (Notices of Motion) bears the names of at least 8 members of the Council. When any such Motion has been disposed of by the Council, no member shall propose the same or similar Motion within a further period of six months. This order shall not apply to Motions moved in pursuance of the report or recommendations of a Committee.</p>

32	<p>Motions of "No Confidence"</p> <p>Upon a Motion of which due notice has been given under the provisions of Standing Order 26 (Notices of motion), signed by 8 members of the Council and supported by no less than two-thirds of the members present voting in favour, of a vote of no confidence in or censure of a Chair or member of a Committee, such Chair or member may be removed from membership of the Committee and in the case of a Chair from membership of the Executive Committee. Thereafter, the Council shall fill any vacancies as provided for in Standing Order 86.</p> <p style="text-align: right;">Amended: August 2015</p>
33	<p>Motions without Notice</p> <p>The following Motions may be moved without notice:</p> <ol style="list-style-type: none">(1) Formal Motions that the meeting be adjourned, that the debate be adjourned, that the Mayor do leave the Chair, that the next business be proceeded with, that a member be not heard and that the question be now put.(2) Motions relating to the accuracy of the minutes.(3) Motions for dealing with correspondence or other documents of which notice has been given.(4) That an item of business specified in the summons to the meeting shall have precedence.(5) That an item of business be discussed in private or in public.(6) That a matter be referred to a Committee.(7) Motions for the appointing of any business for consideration at a future meeting of the Council.(8) That the reports and recommendations of Committees, Lead Members or Officers and any consequent resolutions be adopted.(9) That the Council do resolve itself into Committee; that the Council do resume proceedings in Council.(10) That a Committee or members thereof be appointed arising from an item mentioned in the summons to the meeting.(11) That leave is given to withdraw a Motion.(12) That a Motion be amended.(13) That a specific Standing Order be suspended for the duration of consideration of a specified item of business.(14) That a member named be not further heard or do leave the meeting.

34	<p>Objectionable Business</p> <p>If the Mayor at any Council Meeting shall be of the opinion that any business to be transacted is of inappropriate character, it shall be competent for him, either before or after the same is brought forward to put it to the vote (on which no discussion shall be allowed), whether the same shall be entertained or not.</p> <p>The term “inappropriate character” shall include any matter which the Mayor may reasonably consider offensive or insulting to any Council Member or Committee or to any individual.</p>
35	<p>Chair of Meetings of Council</p> <p>The Mayor, if present, shall chair every meeting of the Council.</p> <p>This Standing Order shall not apply in the case of the selection of Mayor for the ensuing year when the current Mayor is nominated as a candidate. In such case the Mayor shall relinquish the Chair immediately the nomination is moved and seconded and the Council will elect another Member to chair that part of the meeting. The Mayor may however remain in the meeting and vote.</p> <p>If the Mayor is not present, or being present declares an interest and leaves the meeting temporarily (SO 118), the Council Members present shall elect another of their number to take the chair of the meeting or part of the meeting as the case may be.</p> <p style="text-align: right;">Amended: April 2014 August 2015</p>
36	<p>Council in Committee</p> <p>The Council may, upon a motion duly made and seconded resolve itself into Committee to consider any subject which may require more full and free discussion and may at the close of sitting in Committee resume the proceedings of the Council. While in Committee Standing Order No. 47 (When a Member may speak again) shall not apply.</p> <p>When in Committee, no motion may be moved other than to resume proceedings in Council.</p>
37	<p>Private Business</p> <p>The Council may, upon a motion duly made and seconded and voted for without debate by a two-thirds majority of the members present, agree that any particular business be discussed or transacted in private. In such event that business shall, unless otherwise directed by the Mayor, be forthwith postponed until the conclusion of the rest of the business before the meeting, and then transacted in private.</p> <p style="text-align: right;">Amended: April 2014</p>
38	<p>Private Business</p> <p>The Council may transfer an item of private business into public by resolution carried</p>

	<p>by two-thirds of the Members present. The mover of a motion to transfer from private to public may make a statement of the reason and the mover of the item may respond giving the reason for it being in private, but no other Member may speak except to second the motion and the question will be put to the Council without further debate.</p> <p style="text-align: right;">Amended: December 2012</p>
39	<p>Questions – Written</p> <p>A member of the Council may submit a question in writing to the Chief Executive by noon on the last working day of the week preceding the date fixed for holding any ordinary meeting of the Council asking the Mayor or the Chair of any Committee any question on any matter in relation to which the Council has powers or duties, or which affects the Borough.</p> <p>Alternatively the written question may be submitted electronically from the Member's specific e-mail address. The same deadline for receipt of Questions shall apply to electronic and written forms. The Chief Executive shall acknowledge receipt of any question received in electronic form, print it and thereafter treat it as though it had been submitted in written form but if any question transmitted electronically is not received by the Chief Executive for any reason it shall be void.</p> <p>In the absence of the Mayor or a Chair, a question may be directed to the Deputy Mayor, or Vice-Chair of the appropriate Committee. A question may be in a number of parts, but the total of all words included in the question shall not exceed 200.</p> <p>The Chief Executive, in consultation with the person to whom the question has been directed, may deem that the question is of a nature such that the matter should be presented to the Council in private. However, by a simple majority of members present, the Council may allow the matter to be presented in public.</p> <p>One hour before the scheduled commencement of the Council meeting at which questions are to be presented, the Chief Executive shall distribute a copy of each question and the answer thereto, on the desks of each member together with copies for the press and public, save when the matter is considered private the questions and answers will be in sealed envelopes marked "Private and Confidential" and copies only given to press and public if Council subsequently decides that the matter be made public. All answers shall be written, and the minutes of the Council shall record details of each question and answer, provided that only those matters presented in public shall be printed on the public minutes. There shall be no discussion on a question, but a person to whom the question or supplementary question, as described hereunder, has been put can:</p> <ul style="list-style-type: none">(i) decline to give an answer;(ii) give such answer as is thought appropriate;(iii) where the desired information is contained in a publication of the Council, make a reference to that publication;(iv) where the reply to the question cannot conveniently be given at the time of Council, undertake to provide a written answer to be circulated to members of the Council in due course;(v) indicate that a written private and confidential answer will be given to circulate

	<p>to all members in due course.</p> <p>A member who has submitted a written question may submit a further written question as a supplementary to the Mayor at least fifteen minutes before the scheduled start of the meeting. A supplementary question must be directed to the person who answered the original question, and must arise directly from the answer given to the original question. The Mayor will consult with the person to whom the question has been directed, informing him of the nature of the question, and then decide if the supplementary question is to be presented in the public or private. If the supplementary question and/or answer is deemed to be private, it will be considered at the commencement of private business, provided that if the Council at that time decide by a simple majority that the matter should be public, copies of the questions and answers will be forwarded to the press by the Chief Executive as soon as is convenient after the Council meeting. At the appropriate time, the Mayor will call upon the person who is to put the supplementary question, and for the reply to be given. The answer may be in one of the forms set out above, except that it will be given orally and not written. Only one supplementary question may be asked. But it may be in a number of parts, but the total of words in the question shall not exceed 50.</p> <p style="text-align: right;">Amended: April 2014</p>
40	<p>Questions – Oral</p> <p>A Member of the Council may ask any person moving a report or any Committee proceedings, any question upon an item of the report when that item is under consideration by the Council. A person to whom the question has been put may answer immediately or indicate that an answer will be given at the conclusion of the debate on that report, but prior to the report being voted upon. There shall be no discussion upon the answer given, but the person giving the answer to a question or a supplementary question shall reply orally and can:</p> <ul style="list-style-type: none">(i) decline to give an answer;(ii) give such answer as is thought appropriate;(iii) where the desired information is contained in a publication of the Council, make a reference to that publication;(iv) where the reply cannot conveniently be given at that time undertake to provide a written answer to be circulated to members of the Council in due course;(v) indicate that a written private and confidential answer will be given, but circulated to all members in due course. <p>A Member who during consideration by Council of a report has asked a question, may immediately after receiving an answer and with the consent of the Mayor put a supplementary question arising directly from the answer received to the original question. Only two supplementary questions can be asked by each Member, but each may be in a number of parts. The person to whom the supplementary question is put may answer each supplementary question as it is put, or indicate to the Mayor that an answer will be given when all further supplementary questions have been asked, but answers when given shall be in the form applying to answers to original questions.</p> <p style="text-align: right;">Amended: April 2014</p>

41	<p>Questions – Urgent Business</p> <p>A member of the Council may submit a question to the Mayor as a matter of urgent business one hour before the scheduled commencement of the Council meeting. The Mayor will consult with the person to whom the question is to be put, and thereupon decide if the matter is indeed urgent business. If it is considered to be urgent business, the question may be put in the same manner and under the rules applying to supplementary questions on written questions listed in Standing Order 39 (Questions – Written). If the matter is not considered by the Mayor to be urgent business, the Chief Executive will immediately inform the person who was to put the question that the matter will not be considered and there will be no further discussion.</p> <p style="text-align: right;">Amended: April 2014</p>
42	<p>Rules of Debate – motions and amendments</p> <p>A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has been given in accordance with Standing Order No. 26 (Notices of Motion) it shall, if required by the Mayor, be put into writing and handed to the Mayor, before it is further discussed or put to the meeting.</p>
43	<p>Rules of Debate – Reservation of Seconder’s Remarks</p> <p>A member when seconding a motion or amendment may, if he declares his intention to do so, reserve his speech until a later period of the debate.</p>
44	<p>Rules of Debate – Members wishing to Speak</p> <p>A member wishing to speak shall signify such wish by pressing the appropriate button on his electronic voting unit (or, if the voting system is not in use, by raising his hand) but will only speak when called upon by the Mayor and when speaking shall stand to address the Mayor. While a member is speaking all other members shall remain seated and silent, unless rising to a point of order or some similar purpose provided by these Standing Orders.</p>
45	<p>Respect for Chair</p> <p>Whenever the Mayor rises during a debate, any Member then standing shall resume his seat and the Council shall be silent.</p> <p>During debate all remarks shall be addressed to the Chair.</p> <p>If during the course of a meeting a Member wishes to leave the Chamber for any reason other than a declaration of interest or temporarily, the Mayor’s permission must first be obtained.</p> <p>During the course of any Council meeting, members of the Council, Officers and others entering and leaving the Council Chamber for whatever reason must acknowledge the Chair on doing so.</p> <p style="text-align: right;">Amended: April 2014</p>

46	<p>Duration of Speeches</p> <p>A member shall direct his speech to the matter under discussion or to a personal explanation or to a point of order. No speech shall exceed ten minutes except by prior consent of the Council. Any extension of time shall not exceed five minutes without the further consent of the Council, indicated by a vote if necessary.</p> <p>This Standing Order shall not apply to the presentation of the annual budget by the Leader of the Council, nor to the Chairs of the Pensions Committee or Housing Committee in presenting their respective budgets to the Council, nor to the Leader or any Committee Chair in replying to debate.</p> <p style="text-align: right;">Amended: April 2014 January 2019</p>
47	<p>When a member may speak again</p> <p>A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:</p> <ul style="list-style-type: none">(a) to speak once on each amendment moved by other members and in so doing may move or second a further amendment;(b) if his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried;(c) in exercise of the right of reply given by Standing Order No. 50 (Right of Reply);(d) on a point of order;(e) by way of personal explanation.
48	<p>Amendments to Motions</p> <p>An amendment shall be relevant to the motion under consideration and shall be either:</p> <ul style="list-style-type: none">(a) to refer the subject of debate or any part of it to a Committee for consideration or reconsideration;(b) to leave out words;(c) to leave out words and insert or add others;(d) to insert or add words; <p>but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.</p> <p>Upon an amendment being moved and seconded it will be discussed immediately and disposed of by the question being put to the Council before resumption of</p>

	<p>discussion of the original Motion. Should the amendment be carried, the original Motion will be treated as having been amended accordingly and discussion on it will continue, taking any further amendments one at a time in the order in which they are moved. Members who had spoken on the original motion before an amendment was moved may speak during consideration of the amendment but may not speak again on the original motion.</p> <p>Once an amendment is carried, no further amendment may be moved that would be inconsistent with the Council’s decision.</p> <p>Any matter referred back to a Committee under (a) above at two consecutive Council meetings, shall not be resubmitted to the Council for a further period of 6 months.</p> <p style="text-align: right;">Amended: August 2015</p>
49	<p>Alteration or withdrawal of Motions</p> <p>A member may with the consent of the Council signified without discussion:</p> <p>(a) amend before it is seconded a motion of which he has given notice; or</p> <p>(b) with the consent of his seconder, alter a motion which he has moved, and which has been seconded.</p> <p>Any such alteration or amendment must be such as could be made as an amendment to the Motion.</p> <p>A motion or amendment may be withdrawn by the mover and no member may speak upon it further. In the case of a motion or amendment that has been seconded the seconder must consent to the withdrawal.</p>
50	<p>Right of Reply</p> <p>The mover of an original motion shall be entitled:</p> <p>(a) to reply at the close of the debate upon such motion;</p> <p>(b) to reply at the end of the debate upon any amendment thereto.</p> <p>The mover of an amendment shall be entitled to reply to the debate on his amendment.</p> <p>No new matter shall be introduced in the reply to the debate.</p>
51	<p>Motions which may be moved during debate</p> <p>When a motion is under debate no other motion shall be moved except the following:</p> <p>(a) to amend the motion;</p> <p>(b) to adjourn the meeting;</p>

	<p>(c) to adjourn the debate; (d) to proceed to the next business; (e) that the question be now put; (f) that a member be not further heard; (g) by the Mayor under Standing Order 54 (Disorderly Conduct) that a member do leave the meeting.</p> <p style="text-align: right;">Amended: April 2014</p>
52	<p>Closure of Motions</p> <p>A member who has the right to speak may move without comment at the conclusion of a speech of another member, "That the Council proceeds to the next business"; "That the question be now put"; "That the debate be now adjourned"; or "That the Council does now adjourn", on the seconding of which the Mayor shall proceed as follows:</p> <p>(a) on a motion to proceed to the next business; unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover the original motion a right of reply, before putting the motion to proceed to the next business to the Council.</p> <p>(b) on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply before putting his motion to the vote.</p> <p>(c) on a motion to adjourn the debate or the meeting; if in his opinion the matter before the meeting has not been sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion his right to reply.</p> <p>Provided that in (a) or (b) of this Standing Order the Mayor before putting such motion to the meeting shall announce the names of those members who have indicated to him their wish to speak and that after allowing them to speak, and no other Member, will put the motion to the meeting.</p>
53	<p>Points of Order</p> <p>A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the way in which the Member considers it has been broken. A personal explanation shall be confined to some material part of a speech made by him during the course of the debate which may appear to have been misunderstood.</p>
54	<p>Disorderly Conduct</p> <p>If at a meeting, any member of the Council, in the opinion of the Mayor notified to the Council, misconducts himself by persistently disregarding the ruling of the Chair,</p>

	<p>or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move, "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.</p> <p>If carried, the named Member shall then not be permitted to speak or take part in any debate, except to vote, for the remainder of the meeting.</p> <p>If the member named continues his misconduct after a motion under the foregoing paragraph has been carried, the Mayor shall:</p> <p>EITHER move. "That the member named do leave the meeting" in which case the motion shall be put and determined without seconding or discussion;</p> <p>OR adjourn the meeting of the Council for such period as he in his discretion shall consider expedient;</p> <p>AND shall refer the matter to the Standards Committee for investigation and consideration.</p> <p style="text-align: right;">Amended: April 2014</p>
55	<p style="text-align: right;">Deleted: April 2014</p>
56	<p>General Disturbance</p> <p>In the event of general disturbance which, in the opinion of the Mayor, renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him may, without question put, adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.</p>
56A	<p>Electronic Equipment</p> <p>Except for the official recording system or in case the Mayor has given specific permission, no Member of the Council, officer or the public attending a meeting shall, during the meeting make any audio or video recording of the proceedings.</p> <p>During any meeting of the Council or a Committee, all mobile communications devices shall be switched to silent operation. No mobile telephone or computer shall be used for any form of communication during the meeting except in case of potential emergency where the Mayor has given consent and in such case when a communication is received the individual concerned shall leave the Chamber to deal with the matter.</p> <p>The use of laptop and tablet computers by Members of the Council during meetings of the Council or a Committee shall be permitted only for the purpose of viewing files relevant to the business of the meeting.</p> <p style="text-align: right;">Amended: February 2013 August 2015</p>

57	<p>Attendance of the Public and Press</p> <p>At all public meetings of the Council, and when the Council is in Committee, members of the public and accredited journalists shall be permitted to attend in such part of the Council Chamber as the Chief Executive may allocate for their accommodation, but they shall withdraw, upon a vote of the Council so requiring during any portion or the whole of the meeting.</p>
58	<p>Attendance of the Public and Press</p> <p>The admission of members of the public and reporters to the Council Chamber shall be subject to the condition that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place nor shall any person, other than a person authorised by the Council, record on tape or by other mechanical or electronic means the proceedings of the Council, or record or communicate photographic or electronic images of such proceedings. In the event of the breach of this condition, the Mayor may order the person so offending to be removed from the Council Chamber.</p>
	<p>VOTING</p>
59	<p>Majority to Determine</p> <p>All decisions and questions arising before the Council shall be decided by a majority of such elected Members as are present in the Council Chamber and eligible to vote at the time the issue arises. Unless specified elsewhere in these Standing Orders in relation to specific questions, the majority required will be a simple majority.</p> <p>In case of equality of votes, the Mayor (or such other person as may have been elected to preside in his absence) shall have a second or casting vote.</p>
60	<p>Method of Voting</p> <p>Unless otherwise directed by statute or these Standing Orders, every question shall be put to the Council electronically, with each Member voting for or against using the electronic voting facility provided.</p> <p style="text-align: right;">Amended: August 2015</p>
61	<p>Voting - Procedures</p> <p>When a vote is to be taken, the Mayor shall put the question to the Council. Voting shall be by electronic means, using the voting facility in the microphone unit on each Members’ desk; the Mayor shall ask Members to register their presence by pressing the appropriate button and voting for or against.</p> <p>Once all Members have voted, the Chief Executive shall end the vote and should the Mayor so require, read the result listing those voting for and against. In case of equality of votes, the Mayor shall exercise a casting vote orally.</p> <p>If the electronic voting system is not available for use for any reason, the Chief Executive will call over the names of all the Members present in the Council Chamber and eligible to vote. As each Member’s name is called, that Member shall</p>

	<p>clearly respond either “For” or “Against” and the Chief Executive shall record the answers on the division list prepared for the purpose. The Chief Executive shall report to the Mayor on the number of votes for and against and the Mayor shall declare the motion “Carried” or “Lost” as the case may be. In case of equality of votes the Mayor shall have a second or casting vote.</p> <p>Particulars of every vote taken shall be recorded in the minutes and unless the vote is unanimous shall record the names of those voting for and against.</p> <p style="text-align: right;">Amended: August 2015</p>
62	<p>All Members to Vote</p> <p>Upon a vote being taken, all Members of the Council present in the Council Chamber and eligible to vote shall be required to record their votes as either affirmative or negative; for the avoidance of doubt, no Member may abstain from voting and unless he records a vote may be the subject of a Motion by the Mayor that he leave the meeting. On such a Motion being seconded and approved by the Council, the Member named shall then forthwith leave the Chamber and take no further part in the meeting.</p> <p>Any such instance shall be referred to the Standards Committee for investigation and report.</p>
63	<p>Dissent</p> <p>No Member shall make any protest or expression of dissent other than by calling for a division as herein provided, and the Chief Executive shall not record on the minutes any protest or expression of dissent made by any other means.</p>
64	<p>Election of Mayor</p> <p>At each election of Mayor, where there is more than one person nominated, the Chief Executive shall prepare ballot papers containing the names of each person nominated for the office. Voting shall be by ballot each member putting a cross, thus X, opposite the name of the person for whom he wishes to record his vote.</p>
65	<p>Casting Vote - Election of Mayor</p> <p>In case of equality of votes, the Mayor or other Member chairing the meeting shall have a casting vote regardless of whether he had been entitled to vote in the first instance.</p> <p style="text-align: right;">Amended: August 2015</p>
66	<p>Declaration of Election of Mayor</p> <p>The person who has the majority of votes of those entitled to vote shall be declared by the Mayor to be, and thereupon shall be elected.</p>
67	<p>Petitions, Memorials, etc.</p> <p>When resolutions are to be proposed for petitions or memorials or other Motions on</p>

	<p>matters not immediately connected with local business of the Borough, they shall be taken into consideration only after all business connected with the Borough shall have been disposed of.</p> <p>A copy of every petition or memorial proposed to be submitted to or adopted by the Council shall be deposited with the Chief Executive seven clear days previous to the meeting of the Council at which the same is proposed to be submitted or adopted.</p> <p style="text-align: right;">Amended: April 2014</p>
68	Deleted: April 2014
69	<p>Print of Petitions, etc., on Agenda</p> <p>It shall not be obligatory upon the Chief Executive to print the whole of any petition or memorial upon the Agenda but he shall print an abstract containing the purport of such petition or memorial upon the Agenda and shall state the aggregate number of signatures appended to such petition or memorial.</p>
70	<p>Deputations</p> <p>In the event of any deputation desiring to wait upon the Council or a Committee to give expression to their view upon any question under the control of the Council, such deputation shall give at least seven days notice in writing to their desire to the Chief Executive, together with a statement of the nature and objects of the application. Such notice and the matter mentioned therein shall if the Chief Executive and the Mayor concur that it is appropriate, be included in the Agenda of the meeting which the deputation proposes to attend.</p> <p>Should the Council or a Committee agree to hear the deputation except at public meetings of the Council, the deputation will comprise a maximum of 3 members and in any event three members only of the deputation shall be at liberty to address the Council, except by leave of the Council.</p> <p style="text-align: right;">Amended: April 2014</p>
71	Deleted: April 2014
72	<p>Questions of Officers</p> <p>Any member speaking during the progress of a debate may address any question through the Mayor to the Chief Executive, Borough Treasurer, Borough Engineer and Surveyor Officer or other officer in attendance, in relation to any matter or thing in connection with the question under consideration. Such Officer shall, if the information required is readily and immediately available, with the leave of the Mayor advise the Council accordingly.</p>
73	<p>Deposit of Plans</p> <p>All plans referred to in the report of any Committee which may require the consideration of the Council will be available at the office of the Borough Engineer</p>

	<p>and Surveyor for at least two clear days before the meeting of the Council at which it is proposed the same shall be considered, and shall be available for viewing by any Member of the Council in the Council Chamber from 10.00 a.m. on the day of the Council meeting, unless the public interest would be prejudiced thereby. In such case, the Chief Executive shall report accordingly to the Council.</p> <p style="text-align: right;">Amended: April 2014</p>
74	<p>Matters affecting persons employed by Council</p> <p>If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Council, it shall in the first instance be considered by the Council in private.</p>
75	<p>Motions of Expenditure</p> <p>Any motion or amendment which is moved, otherwise than in pursuance of a recommendation or report of the Executive Committee which, if carried, would materially increase the expenditure upon or reduce the income of any service under the management of the Council or would involve capital expenditure, shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by such motion or amendment shall consider whether it desires to report thereon.</p>
	<p>PART III - COMMITTEES</p>
76	<p>Mayor's ex officio membership of Committees</p> <p>The Mayor shall be <i>ex-officio</i> a member of every Committee appointed by the Council with the exception of the Standards Committee, but shall not be counted in constituting a quorum for the purpose of Standing Order 84 (Quorum of Committee). Although entitled to speak as any other Member, the Mayor shall not vote in Committee nor propose or second any motion or amendment.</p> <p>The Mayor's ex-officio membership of Committees shall be in addition to the numbers of members of the respective Committees set out in Standing Order No. 81 (Election of Leader, Chairs and Members of Committees).</p> <p style="text-align: right;">Amended: April 2014</p>
77	<p>Appointment of Committees</p> <p>In the year of every general election of Councillors, and every two years thereafter, the Council shall at the special private Council meeting to be held in accordance with Standing Order No. 8 (Special Council Meeting – Election of Leader, Chairs and Members of Committees) between 1st May and the annual meeting to be held in May in each year appoint such Committees as they are required to appoint by and under any statute or under Standing Order No. 81 (Election of Leader, Chairs and Members of Committees) and may at any time appoint such other Committees as are necessary to carry out the work of the Council, but, subject to any statutory provision in that regard shall not appoint any member of a Committee so as to hold office for longer than two municipal years. The Council shall at the same time</p>

	<p>appoint an Independent Member to each of the Housing, Standards and Pensions Committees and such Independent members shall be treated in similar manner to Councillors except that they may not take part in meetings of the Council. Their attendance shall count towards the quorum of the Committee and they will be required to vote in Committee in similar manner to Councillors.</p> <p style="text-align: right;">Amended: April 2014 August 2015</p>
78	<p>Chair of Executive Committee</p> <p>At the Council meeting to be called in pursuance of Standing Order No. 81 (Election of Leader, Chairs and Members of Committees) between 1st May and the annual meeting in every year of the general election of Councillors, and every two years thereafter, immediately after the selection or confirmation of Mayor (if necessary), and prior to consideration of any other business the Council shall by ballot elect the Leader of the Council who shall also be Chair of the Executive Committee for the ensuing two municipal years. The Member so appointed to be Leader of the Council and Chair of the Executive Committee shall not be a Member of any other Committee but shall be entitled to receive the agendas and minutes of meetings of all Committees.</p> <p style="text-align: right;">Amended: April 2014 August 2015</p>
79	<p>Committee Membership - Outgoing Mayor</p> <p>In any year where there is no general election of Councillors, and no general revision of Memberships under Standing Order 81 (Election of Leader, Chairs and Members of Committees) the outgoing Mayor unless elected to the office of Leader of the Council or Chair of a Committee shall assume the Memberships vacated by the incoming Mayor.</p> <p style="text-align: right;">Amended: April 2014</p>
80	<p>Committee Memberships</p> <p>The Executive Committee of the Council shall be appointed at the special Council meeting convened biennially in accordance with Standing Order No. 81 and shall consist of five Members, being the Leader of the Council, three Members elected by the Council to be Chair of the following Committees:</p> <ul style="list-style-type: none"> • Housing; • Regeneration and Community; • Environmental Services. <p>and one Member elected by the Council who shall not be a Chair or Member of any of those three Committees.</p> <p>In every year of the general election of Councillors, and each two years thereafter, the Executive Committee will appoint four further Members in respect of each of the above-named Committees.</p> <p style="text-align: right;">Amended: April 2014 August 2015</p>

81 Election of Leader, Chairs and Members of Committees

At the Special Council Meeting convened under Standing Order 8 (Special Council Meeting - Election of Leader, Chairs and Members of Committees) in each year of a general election of Councillors, and each two years thereafter, the Council will appoint, in the following sequence:

- The Leader of the Council;
- Chair of Housing Committee;
- Chair of Regeneration and Community Committee;
- Chair of Environmental Services Committee;
- One Member to the Executive Committee who shall not be appointed Chair or Member of any of the three Committees represented on the Executive Committee;
- Chair of Pensions Committee;
- Chair of Standards Committee.

The Council will then adjourn while the Executive Committee meets to appoint four Members to each of the Environmental Services, Regeneration & Community, and Housing Committees.

On resumption of the Council meeting, those appointments will be reported and the Council will then proceed to appoint:

- Four Members to the Pensions Committee;
- One Member to the Pensions Committee who is not a Member of the Council;
- Three Members to the Standards Committee;
- One Member to the Standards Committee who is not a Member of the Council;
- One Member to the Housing Committee who is not a Member of the Council.

In making these appointments, the provisions of Standing Order 82 (Limitation of Membership) shall apply.

The Council shall then proceed to the appointment of:

- Members of any other Committee constituted by the Council under Standing Order 77 (Appointment of Committees);
- The whole of the Regeneration & Community Committee to the Allotments Committee;
- Two allotment holder representatives (who shall not be Council members) to the Allotments Committee;
- A Member (which may be the Chair) of the Environmental Services Committee to be the Council's representative on the Eastern District Civic Amenity Site Joint Committee;
- A Member (which may be the Chair) of the Environmental Services Committee to be the Council's representative on the Richmond Hill Consultative Committee;

	<ul style="list-style-type: none"> Members as Council Representatives on outside bodies as required. <p style="text-align: right;">Amended: April 2014 August 2015</p>
82	<p>Restriction of Memberships and Chairs</p> <p>The Leader of the Council shall not be appointed a Chair or Member of any Committee other than the Executive Committee.</p> <p>A Member appointed as Chair of any of the Environmental Services, Regeneration & Community, or Housing Committees shall not be appointed as Chair or Member of any other of those three Committees, nor of the Standards Committee.</p> <p style="text-align: right;">Amended: April 2014 August 2015</p>
83	<p>Vice-Chair of Committee</p> <p>Each Committee shall, at its first regular meeting after the general election of Councillors, and every two years thereafter, elect a Vice Chair, who shall act in place of the Chair when the latter is absent or indisposed.</p> <p>The Vice Chair shall chair meetings of the Committee in the absence of the Chair, and shall also be entitled to take the Chair's seat on the Executive Committee in case the Chair is not in attendance.</p> <p style="text-align: right;">Amended: April 2014 June 2017</p>
84	<p>Quorum of Committee</p> <p>In all cases where it is not specially provided, three members shall form a quorum of any Committee appointed by the Council. An Independent Member appointed by the Council shall count towards the quorum. In accordance with Standing Order No. 76 (Mayor's ex officio Membership of Committees), the presence of the Mayor shall not be counted as part of the quorum.</p> <p style="text-align: right;">Amended: December 2012</p>
85	<p>Attendance at Committee Meetings</p> <p>Members present at a Committee meeting shall be recorded by the Chief Executive who shall also keep a record of members absent on Council business.</p> <p>The Chief Executive shall also note on the minutes the time at which any member shall leave the meeting, other than temporarily.</p>
86	<p>Casual Vacancies</p> <p>On any casual vacancy occurring in any of the offices appointed under Standing Order 81 (Election of Leader, Chairs and Members of Committees) it shall be filled by appointment by either the Executive Committee or the Council, whichever had made the original appointment.</p>

	Amended: April 2014
87	<p>Committee Minutes and Reports</p> <p>Reports and minutes of proceedings of the Committees of the Council shall be printed, and a copy thereof accompany the summons of the Council Meeting at which they are to be presented. Reports so submitted shall be considered as received by the Council. The Leader of the Council or Chair of any Committee may give instructions to the Chief Executive as to the non-publication of any minute of the relevant body, the printing of which would, in their judgement, be injurious to any private or public interest. Such minute will however be presented to the Council in private.</p> <p style="text-align: right;">Amended: April 2014</p>
88	<p>Delegation of powers; referral back of Committee minutes</p> <p>All decisions taken on behalf of the Council by Committees or individuals shall be subject to approval by the Council save where the decision is made in accordance with previously approved policies and the scheme of delegation and in those circumstances although the decision shall be reported to the Council the Council shall not vary it.</p>
89	<p>Order of Business at Committee Meetings</p> <p>The order of business of meetings of Committees shall be regulated and arranged by the Chief Executive.</p>
90	<p>Meetings of Committees</p> <p>Committees of the Council, other than the Pensions and Standards Committee, shall meet for the transaction of regular business on the days following the Annual or regular Council Meeting and at the times specified below, except that no Committee meetings shall be held in the months of April or August unless convened on the specific instruction of the Committee at a previous meeting, that Committee meetings shall be convened in September as though a regular Council Meeting were to take place on the second Wednesday, and further, that from time to time a Committee may change the time of a future meeting, but for not more than six occasions in a municipal year without the prior consent of the Council:</p> <p>Executive Committee: third Friday at 2.00pm;</p> <p>Environmental Services Committee: first Monday at 10.00 am;</p> <p>Regeneration and Community Committee: first Tuesday at 10.30am;</p> <p>Housing Committee: first Wednesday at 10.30am;</p> <p>Pensions Committee: second Wednesday in February, March, May, October and November at 11.00am. and on the second Wednesday in September at 11.00 a.m.</p> <p>Provided that the Chair of any Committee may authorise the Chief Executive in special circumstances to convene a meeting of that Committee at any time, and to</p>

	<p>alter the particular day or time for the holding of any regular Committee meeting.</p> <p>Committees not listed within this Standing Order shall meet as and when the Chief Executive in consultation with the Chair deems it necessary for the transaction of business.</p> <p style="text-align: right;">Amended: July 2012 August 2015</p>
91	<p>Capital Procedures and Petition Applications</p> <p>The submission to Government of petitions for leave to borrow money in connection with capital schemes shall be subject to Council approval in accordance with Standing Order No. 88 (Delegation of Powers; Referral back of Committee minutes) but on approval being granted by the Executive Committee the petition may be submitted by the Chief Executive prior to consideration by the Council; in such circumstances, if the Council disapproves the submission, the petition will be withdrawn forthwith.</p>
92	<p>Special Meetings of Committee at request of Chair</p> <p>At the request in writing of a Chair of a Committee, the Chief Executive shall within seven days convene a special meeting of that Committee to be held within fourteen days of receipt of such requisition, and the notice convening such meeting shall specify the particular business to be transacted. No business other than that so specified shall be transacted at the special meeting.</p> <p style="text-align: right;">Amended: August 2015</p>
93	<p>Notice of Meetings</p> <p>In summoning meetings of Committees both scheduled and special, the Chief Executive shall wherever possible give Members at least five working days' notice of such meeting and the business to be transacted thereat.</p> <p>Notice shall be given by delivery of a summons, specifying the business to be transacted, and which shall be left or delivered by post at the usual place of abode of every member of the Committee. Want of service of a summons on any members of the Committee shall not affect the validity of the meeting.</p> <p>Alternatively, such summons may be served electronically by transmitting it to the e-mail address of the Member except where any Member has elected not to accept such means of delivery and notified the Chief Executive in writing accordingly.</p> <p style="text-align: right;">Amended: December 2012</p>
94	<p>Voting in Committee</p> <p>All motions in Committee shall be proposed and seconded and determined on a show of hands by a simple majority of such members of the Committee as are present and any matter on which a vote is taken shall be recorded in the minutes showing the numbers voting for and against.</p>

95	<p>Casting Vote of Chair</p> <p>The Chair or other Member chairing a meeting of any Committee of the Council shall have a second or casting vote to be used in case of equality of votes.</p> <p style="text-align: right;">Amended: August 2015</p>
96	<p>Rules of Order and Debate</p> <p>As far as is consistent with procedure at meetings of any Committee, the general Standing Orders shall apply in the regulation of the proceedings of such Committee.</p>
97	<p>Confidentiality of Committee Proceedings</p> <p>All agenda, reports and other documents and all proceedings of Committees shall be public unless the Chief Executive in consultation with the Leader of the Council or Chair decides that any item should be treated as confidential. The grounds for such decision must be one of the following:</p> <ul style="list-style-type: none">(a) that the subject is one of pending litigation or negotiation in which the Council's position could be prejudiced by premature publication; or(b) that publication would be injurious to any public or private interest; or(c) that the matter is one of commercial sensitivity. <p>But such agenda, reports or other documents shall be circulated to the appropriate Members under "Private and Confidential" cover and shall be made available on request to all Members of the Council. The issue shall be made public as soon as practicable after the grounds for keeping it private no longer apply.</p> <p style="text-align: right;">Amended: August 2015</p>
98	<p>Press Statements</p> <p>Subject always to Standing Order 97 (Confidentiality of Committee Proceedings), any Committee of the Council may authorise the Chief Executive in consultation with the Chair of the Committee to issue a statement to the news media relating to any item dealt with by the Committee before such item is published in the monthly Council Agenda.</p> <p>Notwithstanding the preceding paragraph, it shall be competent for the Chief Executive, with the consent of the Mayor and the Leader of the Council, to make any statement in relation to any matter or thing connected with the public interest or business of the Council.</p> <p>This Standing Order shall not preclude any Council Member making a statement to the news media in a personal capacity provided that it is made clear within the statement that the views expressed are the Member's own and do not necessarily represent the Council's position.</p> <p>In the event of any statement by the Leader or a Committee Chair arising out of a</p>

	<p>press briefing in relation to the agenda for any Council Meeting, an embargo shall be imposed on publication until 7.00 a.m. on the day two days prior to the meeting.</p> <p style="text-align: right;">Amended: August 2015</p>
99	<p>Duration of Committees</p> <p>The period of duration of every Committee shall be until the second annual meeting of the Council after the appointment of the Committee unless sooner determined, but members of the Council retiring on the 1st day of May immediately preceding any such Annual Meeting shall thereupon cease to be members of the Committee.</p>
100	<p>Committee Meetings between 1st May and Annual Council Meeting</p> <p>No Committee, other than the Executive Committee shall hold any meeting between the 1st day of May and the Annual Meeting of the Council in any year, unless specially called by or at the request of the Mayor.</p>
	<p>PART IV - MISCELLANEOUS</p>
101	<p>Declaration of Secrecy</p> <p>No member of the Council shall disclose to the public details of any matter dealt with by or brought before a Committee (including the Council-in-Committee) without its permission until the Committee shall have reported to the Council or shall otherwise have concluded action on the matter. No Member or Officer of the Council may disclose details of any matter which has been considered in private without permission of the Council.</p> <p>Any member contravening the provisions of this Standing Order shall be reported to the Attorney-General by the Chief Executive as contravening Section 65 of the Local Government Act 1985 and may be removed by resolution of the Council from all or any of the Committees of which he is a member for a period of time to be determined by the Council. Any officer of the Council contravening the provisions shall be dealt with under the Council's approved disciplinary procedure.</p> <p style="text-align: right;">Amended: April 2014</p>
102	<p>Copies of Standing Orders to be supplied to Members</p> <p>A printed copy of these Standing Orders shall be given to each member of the Council by the Chief Executive upon delivery to him of the member's declaration of acceptance of office on the member's being first elected to the Council.</p>
103	<p>Privilege</p> <p>Any member feeling personally aggrieved by anything which may have transpired between the termination of one meeting of the Council and the commencement of another may, with the consent of the Mayor, raise the question involved by pleading privilege. Such matters shall be limited to matters within the Councils' jurisdiction affecting the member individually, where no recourse is open to the member concerned.</p>

	Amended: December 2012
104	<p>Procedure of Privilege</p> <p>In the event of privilege being raised, it shall take precedence over all other business, and be immediately raised after the confirmation of the minutes of the previous meeting.</p> <p style="text-align: right;">Amended: December 2012</p>
105	<p>Suspension of Standing Orders</p> <p>Any Standing Order, except those Standing Orders which are part of the Statute law, may be suspended, subject to the consent of a two-thirds majority of Council Members present and voting.</p> <p>Any motion to suspend Standing Orders shall cite the reasons for the proposal, the matter it is proposed to consider during the suspension, and the Numbers of the Standing Order or Orders it is proposed to suspend. Any suspension approved shall be limited in duration to consideration of the matter cited.</p> <p>The Chief Executive shall keep a register of every suspension of Standing Orders in accordance with Section 27 of the Local Government Act 1985.</p> <p style="text-align: right;">Amended: April 2014</p>
106	<p>Changes in Standing Orders</p> <p>The Council may at any time introduce new Standing Orders or amend or revoke these Standing Orders on the recommendation of the Executive Committee. Any such change or new Standing Order shall be set out in the report of the Executive Committee or set out as an additional paper accompanying the agenda for the Council Meeting at which it is proposed.</p>
107	<p>Common Seal</p> <p>The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised or approved by a resolution of the Council, or of the Executive Committee in exercise of delegated powers, but a resolution authorising or approving the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the making of any rate or contract, or any similar matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.</p> <p>The Seal shall be attested by the Mayor or Deputy Mayor, and the Chief Executive or Assistant Town Clerk, in the presence of each other. An entry of every sealing shall be made and consecutively numbered in a book to be provided for the purpose.</p>
108	<p>Seal of Petitions</p> <p>No petition or memorial or address from the Corporation shall have the Common Seal affixed to it until it has been submitted to and approved by the Council.</p>

109	<p>Custody of the Seal</p> <p>The Common Seal shall be kept in the custody of the Chief Executive, and shall be provided with locks requiring two separate keys, each different from the other, in order to open the same. One of such keys shall be kept by the Mayor or by the Deputy Mayor and the other by the Chief Executive or the Assistant Town Clerk.</p>
110	<p>Signature of Documents</p> <p>Any document which the Council or a Committee has agreed to enter into and to which the Common Seal of the Corporation does not require to be affixed, and any document which will be a necessary step in legal proceedings on behalf of the Council, shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Chief Executive or the Assistant Town Clerk.</p>
111	<p>Submission of Estimates</p> <p>Every recommendation of a Committee for the execution of works not included in the estimates for the year shall be accompanied by a statement or estimate of the amount of the proposed expenditure and the purpose for which it is to be applied. This Standing Order shall not apply to any case in which the estimated expenditure is less than the sum of £1,000.</p>
112	
113	<p>Contracts for Materials, etc.</p> <p>No order for materials or work shall be given by any Officer of the Corporation, except in connection with works already approved by the respective Committees responsible for the work, or in cases of necessity or emergency by the Chief Executive or the Borough Engineer and Surveyor, following consultation with the Borough Treasurer.</p>
114	<p>Inspection of Documents</p> <p>A member of the Council, may, for purposes of his duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been considered by a Committee or by the Council and, if copies are available shall on request be supplied for the like purposes with a copy of such document. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has directly or indirectly any pecuniary interest.</p> <p>Subject to the preceding paragraph, all reports made of minutes kept by any Committee shall, as soon as the Committee has concluded action on the matter to which such reports and minutes relate, be open for inspection by any member of the Council.</p> <p>The Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.</p>

	Amended: August 2015
115	<p>Inspection of premises and lands</p> <p>Unless specifically authorised to do so no member of the Council shall issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.</p> <p>This Standing Order shall not preclude any Member of the Council inspecting or viewing any property vested in the Council. Unless such property is open to the public such inspection or viewing must be by arrangement with the Chief Executive who will on request make such arrangements as necessary to facilitate it.</p>
116	<p>Officers not to become Security</p> <p>No Officer or servant shall become security for any other Officer, or engage in any loan transaction with any other Officer or servant.</p>
117	<p>Conduct of Members and Officers</p> <p>The conduct of Members and Officers of the Council shall be governed by the Corporate Governance Principles and Codes of Conduct for Local Authorities published by the Department of Infrastructure in July 2009 which shall be supplementary to and not in substitution for any provision within these Standing Orders.</p>
118	<p>Interest of Members in Contracts and other matters</p> <p>If any member of the Council has any pecuniary interest direct or indirect within the meaning of Section 11 of the Local Government Act 1985, that member shall disclose the fact to the Chief Executive unless he has already done so in accordance with the provisions of Section 13 of the Act or any statute amending the same, and shall retire from the meeting whilst the contract or proposed contract or other matter is under consideration unless the disability to discuss the matter imposed upon him has been removed by the Department of Local Government and the Environment under the provisions of Section 14 of the Act.</p> <p>The Register of Members’ Interests shall be open to inspection by any Member of the Public.</p>
119	<p>Interests of Officers in Contracts</p> <p>The Chief Executive shall record in a book to be kept for the purpose, particulars of any notice given by an Officer of the Council under Section 13 of the Local Government Act 1985 of a pecuniary interest in a Contract or proposed Contract and the book shall be open during office hours for inspection by any member of the Council in accordance with the requirements of Standing Order 122.</p> <p>The Register of Officers’ Interests shall be open to inspection by any Member of the Council.</p>

120	<p>Relatives of Members or Officers seeking appointment</p> <p>Candidates for any appointment under the Council shall, when making application, disclose in writing to the Town Clerk whether to their knowledge they are related to any members of or holder of any office under the Council. A candidate who fails to do so shall be disqualified for such appointment and if appointed shall be liable to dismissal without notice. Every member and Officer of the Council shall disclose to the Chief Executive any relationship known to him to exist between himself and a candidate for any appointment of which he is aware. It shall be the duty of the Chief Executive to report to the Council, or to the appropriate Committee, any such disclosure made to him. The purport of this Standing Order shall be stated either in the advertisement inviting applications for appointment or in any form of application or particulars of appointment issued to prospective candidates.</p> <p>For the purpose of this Standing Order persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them, is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.</p>
121	<p>Canvassing and recommendations by Members and Officers</p> <p>(1) Canvassing by Members or Officers of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this Standing Order shall be included in every advertisement inviting applications for appointment or in the form of application or particulars of appointment issued to prospective candidates.</p> <p>(2) A member of the Council shall not solicit for any person who is a candidate for any appointment under the Council, or recommend any person for such appointment or for promotion.</p>
122	<p>Filling of New Posts and Vacancies</p> <p>(1) When the creation of a new post is proposed, the Chief Executive shall inform the Executive Committee which, in consultation with any other Committee primarily served, shall consider whether the post is necessary and what shall be the terms and conditions of the post.</p> <p>(2) All vacancies to be filled in established posts of the Council (not being posts at a weekly wage for a period of employment by the Council not exceeding 12 weeks) unless they are to be filled by promotion or transfer shall be advertised. The Committee primarily served shall recommend to the Council such applicant as in the opinion of the Committee is most eligible to fill the vacancy. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in a post in the appointment of the Council, the Committee primarily served may recommend the Council to appoint one of the former applicants. A vacancy requiring to be advertised shall be advertised in one or more newspapers or journals including those circulating primarily among persons who may be expected to possess the necessary qualifications for the post. Those posts where the requirement to advertise does not apply shall also be published on the Council's Website and through the Department of Economic Development (Job Centre).</p>

123	<p>Salaries and Promotions of Officers</p> <p>The procedure for changing the grading of any post shall be for the Chief Officer to prepare the job description, subject to the approval of the establishment officer, showing all variations from the existing post (or posts) affected and justifying the contents of those changes and duties to the satisfaction of the Executive Committee.</p> <p>A re-evaluation will then be undertaken in accordance with the London Boroughs Scheme by the management side (but in conjunction with staff side representatives) and the cost of the re-evaluation if any reported to Committee.</p>
124	<p>Advertisements and Notices</p> <p>Every advertisement, notice, placard or form published or issued by or on behalf of the Council or a Committee shall be so published or issued by and over the name of the Chief Executive.</p>
125	<p>Urgent Business</p> <p>In any case where a matter arises that in the opinion of the relevant Chief Officer and the Chief Executive, cannot properly wait until the next meeting of the appropriate Committee, the Chief Executive if satisfied that all the relevant information has been provided in written form may seek a decision thereon from the Leader of the Council and the appropriate Committee Chair.</p> <p>Any decision taken in this manner shall be reported at the next meeting of the Executive Committee, and all relevant papers shall be made available to Members of the Executive Committee, but the Committee shall not vary the substance of the decision.</p> <p>This procedure may only be used in case the subject matter is of such importance and urgency that, in the opinion of the Chief Executive the Leader of the Council and the Committee Chair, it cannot properly be allowed to await a decision by the Committee under its normal timeframe, and where it is inappropriate to convene a special meeting of the Committee under Standing Order 90 (Meetings of Committees).</p> <p>Where the Committee Chair for a particular subject represents the same Ward as the Council Leader, they shall be consulted in relation to the matter but shall not sign off the decision.</p> <p style="text-align: right;">Amended: February 2013 August 2015</p>
PART V: TENDERS AND CONTRACTS	
126	<p>Tenders and Contracts</p> <p>Standing Orders 127 to 161 inclusive shall apply to all contracts entered in to by or on behalf of the Council and every contract entered into shall comply with such Standing Orders except that:</p> <p>(1) Subject to Standing Orders 147, 149 and 150 these Standing Orders shall not</p>

	<p>apply to contracts with a consultant or other professional person where the personal skill of the person is of primary importance;</p> <p>(2) These Standing Orders shall not apply to contracts relating to the management or maintenance of properties owned by the Council as Superannuation Authority;</p> <p>(3) These Standing Orders shall not apply to the purchase, sale or lease of land or property provided that in any such case the Executive Committee decides upon the method of negotiation most likely to be most financially beneficial to the Council;</p> <p>(4) Standing Orders 127 to 160 inclusive shall not apply in any case where the disposal of surplus materials, equipment property or vehicles by public auction has been approved by the relevant Committee under Standing Order 161 (Disposal of Surplus Property, Materials, etc.).</p>
127	<p>Invitations to Tender or quote</p> <p>Except where otherwise provided by these Standing Orders, no contract shall be entered into unless tenders or quotations as appropriate in accordance with Standing Orders No. 129 and 146(d) have first been obtained. Tenders or quotations for works shall only be sought from Registered Contractors employing qualified tradesmen.</p>
128	<p>Purchase, Sale or Lease of Land</p> <p>Contracts for the purchase or sale or lease of land may be concluded by or on behalf of the Council by way of negotiation, sealed bids or tenders or any combination of these. The method of sale or purchase shall be determined by the Council's Executive Committee which shall consider the method most likely to produce a sale or purchase price which will be the best price reasonably obtainable by the Council.</p>
129	<p>Methods of inviting tenders and quotations</p> <p>Tenders or quotations for contracts shall be obtained by one of the methods indicated as follows:</p> <p>(1) Estimated cost in excess of £100,000 for schemes funded by capital, and £56,000 for revenue funded schemes, supplies and services: by a minimum of ten days' notice on the Procurement Section of the Council's Website. This Standing Order shall not preclude it being advertised in addition in an off-Island newspaper or trade journal if deemed necessary by the appropriate Chief Officer. Such advertisement shall be by minimum ten days' notice in such newspaper and trade journals as the appropriate Chief Officer may consider necessary. The use of any trade journal's electronic procurement methods to be preferred to a printed notice.</p> <p>(2) Estimated cost between £21,000 and £100,000 for schemes funded by capital, and between £21,000 and £56,000 for revenue funded schemes, supplies and services: by the appropriate Chief Officer inviting tenders electronically from all appropriate persons included in the Council's list</p>

	<p>of approved Contractors or from the persons included in a list of applicants invited in relation to any particular contract. The invitation to apply for inclusion in any such list shall be advertised in accordance with Standing Order 135.</p> <p>(3) Estimated cost between £5,000 and £21,000: by the appropriate Chief Officer electronically inviting written quotations from suitable contractors. In employing any of the above methods, the Chief Officer shall endeavour to obtain at least three valid competitive prices for comparative purposes.</p> <p>When considering whether any of the value thresholds apply, it should be the value of the whole scheme that matters regardless of the fact that it may be broken down to a number of individual elements. Where a number of elements of work can be awarded collectively, the estimated cost of the total should be considered, not the estimated cost per unit. A 'scheme' is a systematic arrangement, where there is strong linkage between the elements of work and they can be quoted for collectively because the details of what is required can be specified in advance, although in exceptional circumstances the appropriate Chief Officer's discretion should apply.</p> <p style="text-align: right;">Amended: December 2014 December 2018</p>
130	<p>Reservation of Rights</p> <p>Every set of tender or quotation documents shall reserve the right of the Council not to accept any tender or quotation or to accept a tender or quotation other than the lowest or highest as the case may be.</p>
131	<p>Sub-Contracts</p> <p>Tenders or quotations for sub-contracts to be performed by nominated sub-contractors shall be invited and dealt with as if they were main contracts.</p>
132	<p>Undertaking by Sub-Contractor</p> <p>A tender or quotation for sub-contract shall include an undertaking of willingness, if selected, to enter into a Contract with the main Contractor on terms which indemnify the main Contractor against his own obligations under the main contract in relation to the matters included in the sub-contract.</p>
133	<p>Nomination of Sub-Contractor</p> <p>The appropriate Chief Officer shall be authorised to nominate to the main Contractor the sub-Contractor whose tender or quotation is accepted.</p>
134	<p>List of Approved Contractors</p> <p>The Council shall maintain a list of approved Contractors for particular categories of work which shall:</p> <p>(a) contain the names of all persons who wish to be included in it and after having been satisfactorily investigated are approved by the appropriate Chief Officer</p>

	<p>and the Borough Treasurer;</p> <p>(b) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values, amounts or categories; and</p> <p>(c) be amended as required from time to time.</p> <p style="text-align: right;">Amended: August 2015</p>
135	<p>Advertisement for Select Lists</p> <p>Where because of the nature and significance of any contract it is deemed necessary to formulate a specific Select List of Contractors for that contract, the invitation to apply for inclusion on such list shall be advertised to Contractors through the Procurement Section of the Council’s Website.</p> <p>This Standing Order shall not preclude it being advertised in addition in an off-Island newspaper or trade journal if deemed necessary by the appropriate Chief Officer. Such advertisement shall be by minimum of ten days’ notice in such newspaper and trade journals as the appropriate Chief Officer may consider necessary. The use of any trade journal’s electronic procurement methods to be preferred to a printed notice.</p> <p>The provisions of Standing Orders 136 to 138 inclusive shall apply to such applications as they do to tenders.</p> <p style="text-align: right;">Amended: December 2014</p>
136	<p>Submission of Tenders</p> <p>Every invitation to tender in accordance with Standing Order 129 shall specify the closing date and time for submission, and tenders received after that time will not be considered.</p> <p>Submission of tenders must be in electronic form in manner prescribed in the tender documentation and they will be stored securely in an electronic vault until the time appointed to open them when the procedure in Standing Order 139 will apply.</p> <p>For a transitional period ending on 31st March 2016, in case any contractor is unable for any reason to submit his tender electronically it will be acceptable for it to be submitted in paper form in which case it must be in a plain envelope enscribed with the details of the project or services concerned. Paper copies will be stored securely until the appointed time for opening them when they will be taken into account in common with any electronic tenders received.</p> <p>Where the estimated cost is less than £21,000 quotations shall be sought electronically.</p> <p style="text-align: right;">Amended: August 2015 December 2018</p>
137	<p>Closing date and time for receipt of tenders</p> <p>For the purpose of Standing Orders 135 and 136, the closing time for the receipt of tenders and applications to be included on a Select list shall be 5.00 p.m. provided</p>

	<p>that the Chief Executive shall have authority to extend a determined closing day for good and sufficient cause and upon being satisfied that all known tenderers have been notified of the extension.</p> <p>This Standing Order shall not apply to the submission of quotations.</p>
138	<p>Late tenders</p> <p>Any tender received after the date and time fixed for receipt shall be invalid and shall not be opened at the same time as valid tenders. It will be opened by the Chief Executive or other Chief Officer after the acceptance of a valid tender, in order only to inform the contractor submitting the tender late that it had been treated as invalid for that reason.</p>
139	<p>Opening Tenders</p> <p>Tenders in respect of contracts estimated to exceed £21,000 in amount or value shall be opened (in the case of paper documents) or accessed (in the case of electronic submissions) all at the same time by the Chief Executive or a nominee in the presence of the Lead Member or Chair of the appropriate Committee, or in his absence by the Vice-Chair, or in the absence of both Chair and Vice-Chair by another member of the Committee. Tenders or quotations in respect of lesser amounts may be opened by the Chief Officer inviting them or an Assistant Chief Officer of that department.</p> <p style="text-align: right;">Amended: August 2015 December 2018</p>
140	<p>Record of Tenders</p> <p>The appropriate Chief Officer shall maintain a record of all tenders and quotations received and opened and furnish a copy to the Chief Executive and Borough Treasurer where appropriate.</p>
141	<p>Amendment of Tender before Acceptance</p> <p>A tenderer shall not be allowed to alter a tender after the date fixed for its receipt unless schedules of rates or bills of quantities form a substantial part of the tender when significant errors in arithmetic and obvious errors in pricing discovered before acceptance shall be corrected and the tenderer shall be given the opportunity of confirming the offer or of amending it to take account of such errors as are genuine before any tender for the contract is accepted.</p> <p>This Standing Order shall not apply to works of civil engineering construction carried out under current conditions of contract issued by the Institute of Civil Engineers or contracts entered into under the Joint Contracts Tribunal Standard form of building contract Local Authority Edition for building works.</p>
142	<p>Acceptance of Tenders</p> <p>In respect of tenders exceeding £21,000 the appropriate Committee shall have the power to authorise the acceptance of the lowest of three valid tenders provided that there is appropriate budgetary provision in the estimates which has not been</p>

	<p>reserved for further consideration.</p> <p>In this Standing Order “the appropriate Committee” shall be the Housing Committee in relation to housing matters, the Pensions Committee in relation to pensions matters, and the Executive Committee in all other cases.</p> <p style="text-align: right;">Amended: August 2015 December 2018</p>
143	<p>Tenders Exceeding Estimates</p> <p>Any tender which exceeds the appropriate budgetary provision shall only be accepted with the approval of the appropriate Committee as detailed in Standing Order 142.</p> <p style="text-align: right;">Amended: August 2015</p>
144	<p>Tenders other than Lowest or Highest</p> <p>If it is proposed to accept a tender other than the lowest (or when payment is to be received by the Council, the highest) the reasons for such action shall be specified in the minutes relating to the decision.</p>
145	<p>Withdrawal of tender or failure to sign or execute a contract</p> <p>In the event of any person or company, without proper reason, withdrawing a tender or quotation or refusing to sign or execute a contract after a tender or quotation has been accepted by the Council, no tender or quotation submitted by that person or company within three years for any other contract shall be entertained.</p>
146	<p>Exemptions from tendering requirements</p> <p>Nothing in these Standing Orders shall require tenders to be invited where:</p> <p>(a) In case of contracts for the supply of goods or materials:</p> <ul style="list-style-type: none"> (i) the goods or materials are proprietary articles supplied only by one person or company, and are sold only at a fixed price and no reasonably satisfactory alternative is available; or (ii) the prices of the goods or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available; or (iii) for other reasons, there would be no genuine competition; or <p>(b) the contract constitutes an extension of an existing contract, provided such extension does not exceed £42,000 in amount or value and is approved by the appropriate Service Committee; or</p> <p>(c) the subject matter of the contract is considered by the appropriate Chief Officer as being required so urgently as not to permit the invitation of tenders;</p>

	<p>or</p> <p>(d) the estimated expenditure or value of the contract is less than £5,000, or between £5,000 and £21,000 in which latter case quotations will be sought rather than tenders; or</p> <p>(e) the contract is for the purchase or production of a work of art or museum specimen; or</p> <p>(f) the contract is for works for which specialist skills or equipment are required and it is proposed to negotiate a contract, provided that the consent of the Executive Committee to such action is obtained.</p> <p style="text-align: right;">Amended: December 2018</p>
147	<p>Form of Contracts</p> <p>(a) Contracts shall be in writing and in a form approved by the Chief Executive and if in excess of £70,000 in value or amount shall be under Seal.</p> <p>(b) All written contracts entered into on behalf of the Council shall contain specific reference to the application to that contract of the laws of the Isle of Man and a submission to the jurisdiction of the Isle of Man Courts. Provided that in any case where the value of the contract is less than £21,000 the Chief Executive may waive this requirement.</p> <p style="text-align: right;">Amended: December 2018</p>
148	<p>Contents of Contracts</p> <p>Contracts shall clearly specify:</p> <p>(a) the goods, material or services to be supplied and/or the work to be done;</p> <p>(b) the price to be paid with a statement of discounts or other deductions;</p> <p>(c) the time or times within which the contract is to be performed; and</p> <p>(d) Unless the Chief Executive directs otherwise, where contracts exceed £21,000 an amount shall be included in the form of contract for ascertained and liquidated damages to be paid by the contractor if the contract is not completed at the specified date.</p> <p style="text-align: right;">Amended: December 2018</p>
149	<p>Consultants</p> <p>No Consultants shall be engaged by a Chief Officer without the approval of the Executive Committee unless:</p> <p>(a) the estimated amount of fees does not exceed £21,000; and</p> <p>(b) there is appropriate budgetary provision therefore not reserved for further consideration.</p>

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150	<p>Conditions of Engagement</p> <p>It shall be a condition of the engagement of the services of any person (not being an Officer of the Council) who is to be responsible through the appropriate Chief Officer for the supervision of a contract, that in relation to that contract he shall:</p> <ul style="list-style-type: none"> (a) comply with these Standing Orders and any financial requirements of the Council and upon request attend any Committee meeting as though he were a Chief Officer; (b) at any time during the carrying out of the contract produce to the appropriate Chief Officer, on request, all the records maintained by him; and (c) on completion of the contract transmit all such records to the appropriate Chief Officer.
151	<p>Security for Performance</p> <ul style="list-style-type: none"> (a) Except if the contract is funded in whole or in part by Government contribution, where the contract sum exceeds £1,000,000 in value, the Council shall require security for performance of the contract and execution of the works, and the conditions of tender shall specify the nature and amount of such security, to be not less than 10% of the contract sum; but (b) Where the works covered by the contract are subject to Government contribution, the limit prescribed in the Government's Capital Procedure Notes will take precedence over this Standing Order and apply to security for performance of the contract. <p style="text-align: right;">Amended: December 2018</p>
152	<p>British and European Standards</p> <p>Where an appropriate Standard Specification or Standard Code of Practice issued by the British Standards Institution (BSI) or the International Standards Organisation (ISO) is current one calendar month before the date of tender, the contract shall require all goods and materials used or supplied and/or all workmanship to be at least in accordance with that standard.</p>
153	<p>Indemnities and Insurances</p> <p>A contractor shall be required to indemnify the Council against:</p> <ul style="list-style-type: none"> (a) any claim which may be made in respect of Employer's liability against the Council or the Contractor by any workman employed by the Contractor or any Sub-Contractor in the execution of works; and (b) any claim for bodily injury to or damage to property of third parties;

	and the Contractor shall produce, before any work commences, evidence that he is satisfactorily insured against any such claim.
154	<p>Prevention of Fraud</p> <p>Every contract shall contain a clause entitling the Council to determine the contract and to recover from the Contractor the amount of any loss or expense resulting from such determination if the Contractor shall have committed any offence under the Local Government Acts or other Acts of Tynwald.</p>
155	<p>Determination of Contract</p> <p>Every contract shall provide that, in the event of any breach by the contractor, or by any person to whom the contract or any part thereof may have been assigned or underlet, of any of the conditions and provisions of these Standing Orders, the Council may absolutely determine the contract; and that furthermore, the Council may proceed to complete the works or obtain or dispose of the materials elsewhere as the case may be, either by contract or otherwise.</p>
156	<p>Recovery of Sums incurred by Council</p> <p>Any sums which may be incurred or sustained by the Council by reason of the determination of the contract as aforesaid, shall be borne by the Contractor and at the discretion of the Council may be deducted from any monies due or to become due to him under the contract or recovered by action.</p>
157	<p>Debarring Contractors</p> <p>In the event of a contract being determined under Standing Orders 154 and 155 no tender or quotation submitted by that person or company within five years for any other contract shall be entertained.</p>
158	<p>Assignment and Sub-Letting</p> <p>Each contract shall provide that a Contractor shall not assign a contract or any part thereof without the previous consent of the Council or sub-let the same or part thereof without the written consent of the appropriate Chief Officer which shall not unreasonably be withheld.</p>
159	<p>Procedure Notes</p> <p>The invitation, receipt and opening of tenders and quotations shall be subject, in addition to these Standing Orders, to such supporting Procedure Notes as the Chief Executive may draw up or amend from time to time.</p>
160	<p>Capital Procedures</p> <p>Wherever practicable, and essentially where any contract is funded as a capital scheme, the current Guidance Notes for Capital Procedures of the Isle of Man Government Treasury shall be followed. Where in any case such guidance conflicts with these Standing Orders, and unless the Chief Executive decides otherwise, the Standing Orders shall take precedence.</p>

161	<p data-bbox="284 197 933 226">Disposal of Surplus Property, Materials, etc.</p> <p data-bbox="284 264 1396 443">Where a Chief Officer recommends the disposal of any materials, equipment, property or vehicle valued up to £7,000, the appropriate Standing Committee may for reasons of speed and convenience, authorise such disposal to take place by public auction as an alternative to tendering. In such case Standing Orders 127 to 160 inclusive shall not apply but:</p> <ol data-bbox="284 477 1396 757" style="list-style-type: none"><li data-bbox="284 477 1396 544">(1) The Chief Officer shall appoint an appropriate local auctioneer to carry out the disposal;<li data-bbox="284 577 1396 611">(2) All materials, goods or equipment to be disposed of will be catalogued;<li data-bbox="284 645 1396 757">(3) After the sale, the Chief Officer will submit to the Executive Committee a detailed report on the items sold and the return achieved, and the auctioneer's charges. <p data-bbox="1002 790 1396 824" style="text-align: right;">Amended: December 2018</p>
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