



# STANDING ORDERS OF THE COUNCIL



**ADOPTED BY COUNCIL 12<sup>th</sup> September 2018 (2018/9/16i)**

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## **1. Meetings**

- A)** All Meetings of the Council excluding Mayor Making and Annual Assembly, shall be held at The Council Offices, Moor Street, Kirkham at 19.30 unless the Council decides otherwise at a previous Meeting.
- B)** When calculating the 3 clear days for notice of a meeting to Councillors and the public, do not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or day appointed for public thanksgiving or mourning.
- C)** Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution, which shall give reasons for the public's exclusion.
- D)** Members of the public can speak at the Annual Assembly or at full Council if invited to by the Mayor, or a written question has been submitted 5 working days prior to the date of the meeting. In the case of meetings of the Committee responsible for Planning, questions or statements may be put by members of the public on individual planning applications during the discussion on such applications.
- E)** The period of which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes in total unless extension is resolved by Council.
- F)** Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes unless an extension is resolved by Council.
- G)** In accordance with standing order 1(e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- H)** In accordance with standing order 1(g) above, the Mayor may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- I)** A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- J)** At a Council meeting, a person shall raise their hand when requesting to speak.
- K)** Any person speaking at a meeting shall address their comments to the Mayor.

- L)** Only one person is permitted to speak at a time. If more than one person wishes to speak, the Mayor shall direct the order of speaking.
- M)** The use of mobile phones or tablet communication is prohibited unless prior permission is obtained from the Mayor.
- N)** In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- O)** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in the Mayor's absence be done by, to or before the Deputy Mayor.
- P)** The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- Q)** Subject to model standing order 1(s) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- R)** The Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not the Mayor gave an original vote. (*See also standing orders 2 (h) and (i) below.*)
- S)** Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- T)** The minutes of a meeting shall record the names of councillors present.
- U)** If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- V)** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- W)** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes. (*See also standing orders 7 and 9 below.*)
- X)** No business may be transacted at a full Council meeting unless a quorum is present. The quorum of a full Council meeting is 4 councillors.

- Y)** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- Z)** Council Meetings shall not exceed a period of 3 hours, and to be completed before 22.00 hrs. If any items on the Agenda are still outstanding to be discussed the Mayor will suspend Standing Orders.
- AA)** The following shall apply with regard to the presence of non-members of Committees (and Sub-Committees) at Committee (and Sub-Committee) meetings:
  - i)** A member who has proposed a resolution, which has been referred to any Committee or Sub-Committee of which they are not a member, should attend the meeting and explain their resolution to the Committee (or Sub-Committee), but not vote.
  - ii)** A member who has requested an item to be included on a Committee or Sub-Committee Agenda, should attend the meeting and explain their request to the meeting.
  - iii)** Any Councillor may attend and with the permission of the Committee (or Sub-Committee) Chair, speak on particular matters at a meeting of a Committee (or Sub-Committee) of which they are not a member, but may not vote.
  - iv)** A member of a Committee (or Sub-Committee) who is not able to attend for any reason, may appoint as a substitute a Councillor who is not a member of that Committee (or Sub-Committee). This substitute member may take part in the proceedings of the Committee as if they were a member of it.

## **2. Ordinary Council meetings**

*See also standing order 1 above*

- A)** In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- B)** In a year which is not an election year, the annual meeting of a Council shall be held on the 2<sup>nd</sup> Tuesday in May or date to be agreed at a previous council meeting.
- C)** If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.
- D)** In addition to the annual meeting of the Council, at least ten other ordinary meetings shall be held in each year on such dates and times as the Council directs.

- E)** The election of the Mayor and Deputy Mayor of the Council shall be the first business completed at the annual Mayor making of the Council. To be held on the 1st Tuesday in May. The Mayor and Deputy Mayor shall have the titles Town Mayor and Deputy Town Mayor.
- F)** The Mayor of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual mayor making of the Council.
- G)** The Deputy Mayor of the Council, unless they have resigned or become disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual mayor making of the Council.
- H)** In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.
- I)** In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Mayor of the Council has been elected. The current Mayor may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.
- J)** Following the election of the Mayor of the Council and Deputy Mayor of the Council at the annual mayor making of the Council, the order of business shall be as follows.

**Annual Meeting:**

- i)** In an election year, report on delivery by Councillors of their declarations of acceptance of office.
- ii)** To decide when any declarations of office which have not been received as provided by law shall be received.
- iii)** Confirmation of the accuracy of the minutes of the last meeting of the Council.
- iv)** To receive minutes of and determine recommendations made by committees.
- v)** Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
- vi)** To answer questions from Councillors provided three clear days' notice of the question has been given to the person to whom it is addressed.

### **1<sup>st</sup> meeting following Annual Assembly:**

- vii)** To elect a Councillor to be Chairman of Leisure, Parks and Open Spaces Committee.
- viii)** Receipt of nominations to existing committees.
- ix)** In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- x)** Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- xi)** Review of the terms of references for committees.
- xii)** Appointment of all committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- xiii)** To appoint internal auditor for coming year.
- xiv)** Review and adoption of appropriate standing orders and financial regulations.
- xv)** Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- xvi)** Review of representation on or work with external bodies and arrangements for reporting back.
- xvii)** In a year of election, if a Council's period of eligibility to exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xviii)** Review of inventory of land and assets including buildings and office equipment.
- xix)** Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xx)** Review of the Council and/or employees' memberships of other bodies.
- xxi)** Establishing or reviewing the Council's complaints procedure.
- xxii)** Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xxiii)** Establishing or reviewing the Council's policy for dealing with the press/media.

- K)** A motion to vary the order of business on the grounds of urgency:
- a)** May be proposed by the Town Mayor, or by any Member, and, if proposed by the Town Mayor, may be put to the vote without being seconded, and
  - b)** Shall be put to the vote without discussion.

**3. Motions to Council requiring written notice**

- A)** In accordance with standing order 37(b)(iii) below, no motion may without the consent of the Mayor, be moved at a meeting unless it is included in the Agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 10 clear working days before the next meeting. The Mayor or Chairman can override if considered urgent or pertinent at Council Meeting.
- B)** If the Proper Officer considers the wording of a motion received in accordance with standing order 6(a) above is not clear in meaning, the Proper Officer shall consult with the Mayor, and the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear working days before the meeting.
- C)** If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Mayor of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- D)** Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- E)** Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- F)** Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **4. Motions to Council not requiring written notice**

- A)** Motions in respect of the following matters may be moved without written notice.
- i)** To appoint a person to preside at a meeting.
  - ii)** To approve the absences of councillors.
  - iii)** To approve the accuracy of the minutes of the previous meeting.
  - iv)** To correct an inaccuracy in the minutes of the previous meeting.
  - v)** To dispose of business, if any, remaining from the last meeting.
  - vi)** To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii)** To proceed to the next business on the agenda.
  - viii)** To close or adjourn debate.
  - ix)** To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x)** To appoint a committee or sub-committee or any councillors thereto.
  - xi)** To receive nominations to a committee or sub-committee.
  - xii)** To dissolve a committee or sub-committee.
  - xiii)** To note the minutes of a meeting of a committee or sub-committee.
  - xiv)** To consider a report and/or recommendations made by a committee or a subcommittee or an employee.
  - xv)** To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi)** To authorise legal deeds to be signed by two councillors and witnessed.
  - xvii)** To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xviii)** To extend the time limit for speeches.
  - xix)** To exclude the press and public for all or part of a meeting.

- xx)** To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi)** To give the consent of the Council if such consent is required by standing orders.
- xxii)** To suspend any standing order except those which are mandatory by law.
- xxiii)** To adjourn the meeting.
- xxiv)** To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv)** A Member may ask the Mayor or the Proper Officer any question concerning the business of the Council and a member may ask the Chair of a Committee any question upon the proceedings of the Committee then before the Council.
- xxvi)** No questions shall be asked not connected with business under discussion except during the part of the meeting set aside for questions.
- xxvii)** Every question shall be put and answered without discussion.
- xxviii)** A person to whom a question has been put may decline to answer.
- xxiv)** To authorise the payment of monies.
- B)** If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **5. Rules of debate**

- A)** Motions included in an agenda shall be considered in the order that they appear on the Agenda unless the order is changed at the Mayor's direction for reasons of expedience.
- B)** Subject to standing orders 3(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- C)** Subject to standing order 37 (b)(iii) below, a motion included in an Agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- D)** A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the

Mayor, be reduced to writing and handed to the Mayor who shall determine the order in which they are considered.

- E)** No speech by a mover of a resolution shall exceed ten minutes and no other speech shall exceed five minutes except by consent of the Council.
- F)** A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be allowed only with the consent of the seconder.
- G)** Any amendment to a motion shall be either:
  - i)** To leave out words;
  - ii)** To add words;
  - iii)** To leave out words and add other words.
- H)** A proposed or carried amendment to a motion shall not have the effect of negating the original or substantive motion under consideration.
- I)** Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Mayor. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- J)** Subject to Standing Order 8(g) above, one or more amendments may be discussed together if the Mayor considers this expedient but shall be voted upon separately.
- K)** If an amendment is not carried, other amendments shall be moved in the order directed by the Mayor.
- L)** If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- M)** The mover of a motion or the mover of an amendment shall have a right of reply at the end of the discussion, not exceeding 5 minutes.
- N)** Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- O)** Subject to standing orders 8(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- P)** During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall

stop speaking. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the irregularity in the meeting that raised their concern.

- Q)** A point of order shall be decided by the Mayor and the Mayor's decision shall be final.
- R)** With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- S)** Subject to standing order 8(o) above, when a Councillor's motion is under debate no other motion shall be moved except:
  - i)** To amend the motion;
  - ii)** To proceed to the next business;
  - iii)** To adjourn the debate;
  - iv)** To put the motion to a vote;
  - v)** To ask a person to be silent or for them to leave the meeting;
  - vi)** To refer a motion to a committee or sub-committee for consideration;
  - vii)** To exclude the public and press;
  - viii)** To adjourn the meeting;
  - ix)** To suspend any standing order, except those which are mandatory.
- T)** In respect of standing order 8(s)(iv) above, the Mayor shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Mayor shall call upon the mover of the motion under debate to exercise or waive the right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **6. Code of Conduct (England)**

All councillors shall observe the code of conduct adopted by the Council, a copy of which is annexed to these Standing Orders.

## **7. Questions from Councillors**

- A)** A Councillor may ask a question concerning any business of the Council provided 3 clear working days' notice of the question has been given to the Proper Officer.
- B)** Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- C)** Every question shall be put and answered without discussion.

## **8. Minutes**

- A)** If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- B)** No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 7(a) (iv) above.
- C)** Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Mayor of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- D)** If the Mayor or chairperson of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Mayor or Chairperson of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but this view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."
- E)** Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **9. Disorderly Conduct**

- A)** No person shall obstruct the transaction of business at a meeting or behave offensively or improperly, or in such a manner as to bring the Council into disrepute.
- B)** If, in the opinion of the Mayor, there has been a breach of standing order 12(a) above, the Mayor shall express that opinion and thereafter any councillor (including the Mayor) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- C)** If a resolution made in accordance with standing order 9(b) above, is disobeyed, the Mayor may take such further steps as may reasonably be necessary to enforce it and/or may adjourn the meeting.

## **10. Rescission of previous resolutions**

- A)** A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except:
  - i.** By a special motion, the written notice whereof bears the names of at least 6 Councillors of the Council
  - ii.** By a motion moved in pursuance of the report or recommendation of a committee: or
  - iii.** Where the Mayor considers that there are special circumstances) e.g. additional relevant information that was not before the Council when the original resolution was made has subsequently become available)
- B)** When a special motion or any other motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **11. Voting on appointments**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Mayor's casting vote.

## **12. Expenditure**

- A)** Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- B)** The Council's financial regulations shall be reviewed once a year.
- C)** The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## **13. Execution of legal deeds**

*See also standing order 7(a)(xvi) above*

- A)** A legal document shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- B)** In accordance with a resolution made under standing order 13(a) above, any two members of the Council (as named in the resolution), may sign, on behalf of the Council, any document required by law and the Proper Officer shall witness their signatures.

#### **14. Committees**

*See also standing order 1 above*

- A)** The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary. Each committee will be made up of a maximum of four councillors and:
  - i.** Shall determine their terms of reference;
  - ii.** May permit committees to vary the dates of their meetings;
  - iii.** Shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting; unless agreed by the council.

#### **15. Extraordinary meetings**

*See also standing order 1 above*

- A)** The Mayor of the Council may convene an extraordinary meeting of the Council at any time.
- B)** If the Mayor of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- C)** The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- D)** If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors of that committee, those 2 Councillors may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 Councillors.

#### **16. Accounts and Financial Statement**

- A)** All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
  - i)** Payments
    - a)** All payments from the Council must be either by transfer, direct debit, standing order, cheque or cash.

- b)** All payments to be authorised by the full council excluding Clerk's allowance which has a limit of £200.00. Payments above £50.00 by cheque or bank transfer only.
- c)** Card payments up to £200 only.
- d)** All payments must be against a valid invoice, unless previously authorised by full Council.
- e)** When the cheque is signed or transfer agreed, the invoice to which to payment is related to must be countersigned to show that the cheque/ transfer matches the correct amount, all receipts and invoices must be VAT rated where applicable.
- f)** Cheques cannot be signed or transfers agreed for multi invoices.
- g)** Cheque payments will be made 30 days from approval of invoice
- h)** Cheques/ transfers agreed are to be signed at full council meeting.

**ii)** Petty Cash

- a)** Cash payments to be taken from a petty cash account established by Council for expense reimbursement only.
- b)** A cash reimbursement cannot, in respect of any particular docket exceed £50.00.
- c)** The petty cash account shall be reconciled at least weekly.
- d)** Petty cash transactions shall be recorded and supported by petty cash dockets and receipts.
- e)** The recipient of petty cash will be required to sign a petty cash docket and provide supporting documentation when claiming.
- f)** An audit of petty cash floats will be undertaken at least annually.

**B)** The Responsible Financial Officer (Proper Officer) shall make available to each Councillor as soon as practicable before the end of each calendar month in each year, (at least 3 clear working days before full Council meeting, electronically and provide hard copy at meeting), a statement for the previous months income and expenditure. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

**C)** Financial statements will include the following:

- i)** Current financial statement
- ii)** List of cheques/transfers paid out against invoices
- iii)** Petty cash account.
- iv)** List of payments received against invoices sent out.
- vi)** Mayoral spend to date
- vii)** Civic spend to date

**viii)** Accumulative statement for current year to date against budget

**17. Estimates/precepts**

**A)** The Council shall approve written estimates for the coming financial year. Prepared by the Proper Officer and issued to all councillors.

**18. Canvassing of and recommendations by Councillors**

**A)** Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, for a staffing appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate applying for a staffing appointment.

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

**C)** If a candidate for any appointment under the Council is, to their knowledge, related to any Member of or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such appointment or, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate Committee, any such disclosure.

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

**19. Inspection of documents**

**A)** Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.

**B)** The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors and the public.

## **20. Unauthorised activities**

- A)** Unless authorised by a resolution, no individual Councillor, or employee shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i)** Inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii)** Issue orders, instructions or directions to any other Councillors, employees or sub-contractors to the council; or
  - iii)** Down load and install any new programmes or install any extra equipment to the Councils IT equipment or in any way attempt to rectify any programming problems unless authorised by The Mayor.
  - vi)** Arrange or attend any meetings regarding the Council's business.
  - v)** Make use of the Councils facilities for personal or financial gain.
  - vi)** Have access to Council correspondence received by post before it is brought to full Council.

## **21. Confidential business**

- A)** Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- B)** An employee in breach of the provisions of standing order 21(a) above may be suspended from the council.

## **22. Power of general competence**

- A)** Before exercising the power to promote general competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- B)** The Council's period of eligibility begins on the date that the resolution understanding order 22 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- C)** After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote general competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 22(b) above.

## **23. Liaison with Principal Authority**

- A)** An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the Principal Authority representing Kirkham Town Councils electoral wards.
- B)** Unless the Council otherwise orders, a copy of each letter sent to the Principal Authority shall be sent to the Principal Authority councillors representing Kirkham Town Council's electoral wards if not standing on Kirkham Town Council.

## **24. Financial matters**

- A)** The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer (Proper Officer), which shall include detailed arrangements in respect of the following:
  - i)** The accounting records and systems of internal control;
  - ii)** The assessment and management of financial risks faced by the Council;
  - iii)** The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv)** The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v)** Procurement policies, including the setting of values for different procedures where the contract has an estimated value as specified in the Financial Regulations.
- B)** Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value as specified in Financial Regulations shall be procured on the basis of a formal tender as summarised in standing order 25(b) below. Any formal tender process shall follow the procedures laid out in the Financial Regulations.

## **25. Contracts**

- A)** Where a proposed contract is between £1000 and £10,000 in value and amount, no such contract shall be made unless quotations have been invited from a reasonable number of persons ( minimum of 3) competent to undertake the proposed contract, provided that it shall not be necessary to invite quotations as foresaid if;
  - i)** The goods or materials to be purchased are proprietary articles or are only sold at a fixed price;
  - ii)** If it was shown that the goods or materials to be purchased are controlled by organisations or if for other reasons there would be no genuine competition.
- iii)** The work, goods or materials are require urgently, but must be agreed by the Mayor and at least four other councillors to a maximum of £1000.

- iv)** Wherever the value or amount of a proposed contract exceeds £10,000 it must be subject to public advertisement in one or more newspapers, The Chest or Journals circulating amongst such persons as undertake such contracts. Expressing the nature and purpose and inviting tenders for its execution and stating the last date when tenders will be received
- B)** Where the value of a contract is likely to exceed £138,893, (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **26. Invitation to Tender/Quotation**

- A)** Where public invitation to tender/quotation is required, a detailed document will be sent out by the Proper Officer, detailing the exact requirements and specifications the tenderer will be quoting. Every notice of such invitation shall state that no tender will be received except in a plain sealed envelope addressed to Proper Officer of Kirkham Town Council and shall bear the Tender Number, closing date and subject to which it relates. It shall not bear any name or mark indicating the sender and such envelopes shall remain unopened in the custody of the Proper Officer, until the time appointed for their opening and will be opened at either a full council or committee meeting.

## **27. Acceptance of Tender**

- A)** Subject to the provisions of paragraph 27(b) hereof.
  - i)** Where payment is to be received by the Council a tender other than the highest tender in terms of monetary value shall not be accepted.
  - ii)** Where payment is to be made by the Council, a tender other than lowest tender in terms of monetary value shall not be accepted unless the tender relates to the supply of any commodity, when the lowest tender shall be deemed to be the lowest in terms of monetary value commensurate with the quality required.
- B)** Suitable enquires shall in appropriate cases forthwith be made as to the status or capacity of the tender submitting the highest or the lowest tender pursuant to paragraph 30(a) hereof.  
If such enquires prove unsatisfactory, the same procedure shall be adopted with respect to the next highest or the next lowest tender respectively as the case maybe, and so on.
- C)** Where the tenders have been duly invited in accordance with these standing Orders the Mayor and Deputy Mayor, with the authority of the full Council shall

be empowered subject to the provisions of these standing orders, to accept the relevant tender.

- D)** This Standing Order shall not place the Council, Committee or Sub-Committee under any obligation to accept any tender.

## **28. Liquidated damages for Non Performance**

- A)** Every Contract which exceeds £10,000.00 in value or amount and is either for the execution of works or for the supply of goods or materials otherwise that at one time shall provide for payment of liquidated damages by the Contractors in case the terms of the Contract are not duly performed, and the Council shall require and take sufficient security or guarantee for the due performance of every such contract which exceeds £20,000.00 in value or amount, unless such security or guarantee is provided for by general arrangements made by the Council.

## **29. BSI / EN / ISO/IEC Specification**

- A)** All specifications and contracts (where a specification issued by the British Standards Institution or an equivalent is current at the date of the tender and is appropriate), shall require that goods and materials used in the execution of the Contract, shall be in accordance with that specification.

## **30. Bribery Act 2010**

- A)** The Act reinforces the bribery offences that have existed in the UK for many years; namely the acts of bribing and being bribed. The Act creates a new corporate offence of failing to prevent bribery. This offence can be committed by organisations who fail to have adequate procedures in place to prevent an act of bribery being committed by a third party, from which the organisation benefits. To be effective as a defence to the new offence, adequate procedures have to extend to third parties. Accordingly, the Council wants to ensure that any party with whom it deals has its own separate adequate procedures in place.
- B)** The Council expects all its Councillors, Proper Officer, employees, suppliers and third party service providers to comply with the following principles when working in connection with the Council:
  - i)** Carry out business fairly, honestly and openly.
  - ii)** Not to give or offer any money, gift, hospitality or other advantage to any person carrying out a business or public role, or to a third party associated with that person, to get them to do something improper.
  - iii)** Not give or offer any money, gift, hospitality or other advantage to any foreign public official with the intention of influencing them to our business advantage.

- iv) Not use intermediaries or contractor for the purposes of committing bribery.
- v) Not allow employees to accept money, gifts, hospitality and other advantages from business associates, actual or potential suppliers, or service providers which are intended to influence a business decision or transaction in some improper way.
- vi) Avoid doing business with others who do not commit to conducting business with bribery.

### **31. Damages for Bribery or Treating**

- A) In every written contract a clause shall be inserted to secure that the Council shall be entitled to cancel the contract and recover from the contractor the amount of any loss resulting from such cancellation.  
 If the contractor shall have offered or give or agreed to give to any Councillor, Proper Officer, Council employee or any other person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or having done or forborne to do any action, in relation to obtaining or execution of the contract or any other Contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the Contract or if the like acts shall have been done by any person employed by him or acting on his behalf ( whether with or without the knowledge of the contractor) or if in relation to any contract with the Council.  
 The contractor or any person employed by him or acting on his behalf shall have committed any offence under the Bribery Act 2010 or shall have given any fees or rewards the receipt of which is an offence under section 117 of the Local Government Act 1972.

### **32. Fair Wage Clause**

- A) In every written Contract for the execution of work or the supply of goods or materials the following clause shall be inserted:
  - i) "The Contractor shall in the execution of this Contract pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in trade in the district where the work is carried out.
  - ii) Where there are no such wages and hours recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted.
  - iii) Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of this clause are being observed. The contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever any portion of this Contract, without the written permission of the Council. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited. The Contractor shall be responsible for the observance of this clause by the sub-contractor".

- iv) This Standing Order shall not apply to any contract required by statute to contain a fair wage clause complying with a Resolution of the House of Commons.

**33. Architects, Consultants, Development Services and Projects Management**

- A) In the cases where an Architect, Consultant, Development Services or Project Management is employed to act for the Council in carrying out works or purchase of supplies, it shall be a term of their appointment that they shall observe or otherwise secure the observance of the procedures prescribed in these Standing Orders.

**34. Variation, Revocation and Suspension of Standing Orders**

- A) Any or every part of the standing orders, except those, which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- B) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**35. Standing orders to be given to Councillors**

- A) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- B) The Mayor's decision as to the application of standing orders at meetings shall be final.
- C) A Councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

**36. Co-option**

- A) In the event of a co-option arising, to fill a casual vacancy caused by the death, resignation or disqualification of a Councillor, the Council's current policy shall apply.

**37. Proper Officer**

- A) The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee

appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

**B)** The Council's Proper Officer shall do the following:

- i.** Sign and serve on Councillors by delivery, e-mail or post at their residences a summons confirming the time, date, venue, financial statements and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.
- ii.** Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- iii.** Subject to standing orders include in the agenda all motions in the order received unless a councillor has given written notice at least 10 clear working days before the meeting confirming their withdrawal of it.
- iv.** Convene a meeting of full Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 37(b)i above.
- v.** Make available for inspection the minutes of meetings, supplied electronically 3 clear working days prior to meeting, hard copies to be provided at meeting.
- vi.** Receive, inform and retain copies of byelaws made by other local authorities that affect Kirkham Town Council.
- vii.** Receive and retain declarations of acceptance of office from Councillors.
- viii.** Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix.** Keep proper records required before and after meetings;
- x.** Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi.** Receive and send general correspondence and notices which have been authorised by full Council, or Committee, on behalf of the Council except where there is a resolution to the contrary.
- xii.** Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii.** Arrange for legal deeds to be signed by 2 Councillors and witnessed.

- xiv.** Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv.** Submit to the following meeting of the Committee responsible for Planning, the particulars of every planning application notified to the Council.
- xvi.** Record every planning application notified to the Council and the Council's response to the local planning authority in a minute book for such purpose.
- xvii.** Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xviii.** Certify copies of byelaws made by the Council.
- xix.** Any other items requested by full Council or sub-committee.
- xx.** Not arrange or attend any meeting on behalf of the Council, without Councils full authority.
- xxi.** To maintain the Council web site daily and to comply with all current internet regulations.
- xxii.** Shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature, which might prejudice the Councils interest, or unjustifiable denigration of the image or character of the Council.
- xxiii.** The full Council must be notified a minimum of 24 hours for up to 2 consecutive days taken as holiday. For three or more consecutive days taken as holiday, seven days' notice is required.
- xxiv.** To conform to the Councils IT policy.