

## **WESTON-SUPER-MARE TOWN COUNCIL**

### **STANDING ORDERS**

#### **1. Meetings**

- 1.1 Meetings of the Council shall be held at Weston-super-Mare Town Hall at 7.00pm unless the Council otherwise decides at a previous meeting.
- 1.2 The Statutory Annual Meeting
  - 1.2.1 In an election year shall be held on a day to be agreed by the retiring Council which shall be in the period between the fourth working day after the ordinary day of elections and the fourteenth day after the day on which the newly elected councillors take office.
  - 1.2.2 In a year which is not an election year shall be held between 1st and 31st of May.
- 1.3 Other Meetings
  - 1.3.1 All other meetings of the Council shall be held on such dates as may be fixed by the Council.
  - 1.3.2 The Town Mayor, or if absent Deputy Town Mayor, may at any time call a special meeting of the Council and, in addition, he/she shall do so on the requisition in writing of two or more members of the Council.

#### **2. Presence of Public**

- 2.1 The statutory right of the public to attend meetings shall be subject to common law rules as to:
  - 2.1.1 Availability of reasonable accommodation for the public to attend, and
  - 2.1.2 All powers of the Town Mayor or Chairman of Committee to exclude any person or persons from a meeting or to adjourn a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn that person.
  - 2.1.3 If the interruption continues the Chairman shall order the person to be removed from the meeting room. In the case of general disturbance in any part of the meeting room the Chairman shall order that part to be cleared.

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

- 3.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- 3.2 At each Annual Meeting the first business shall be to elect and ratify the appointments of a Town Mayor and a Deputy Town Mayor and to receive the Town Mayor's Declaration of Acceptance of Office or, if not received, decide when it shall be received.

- 3.3 At the full Town Council meeting preceding the Annual Meeting, the Deputy Town Mayor, shall be appointed for the following year subject only to 3.2 above.
- 3.4 The Deputy Town Mayor once elected shall be the Town Mayor-Elect for the following year and shall be nominated as Town Mayor for the following year subject only to ratification by the Town Council at its Annual Meeting.
- 3.5 The Town Mayor and the Deputy Town Mayor shall continue in office until the next Annual Meeting unless either resigns or becomes disqualified, in which case the Town Council shall forthwith elect a successor.

#### **4. Town Clerk and Proper Officer**

- 4.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, the proper officer shall be the Town Clerk:-
  1. To receive declarations of acceptance of office.
  2. To receive and record notices disclosing pecuniary interests.
  3. To receive and retain plans and documents.
  4. To sign notices or other documents on behalf of the Council.
  5. To receive copies of bye-laws made by a District Council.
  6. To certify copies of bye-laws made by the Council.
  7. To sign summonses to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, that officer shall be the Town Clerk.

#### **5. Quorum – Meetings of the Council**

- 5.1 No business of the Council shall be conducted unless at least eleven Members of the Council are present.
- 5.2 If, at the expiration of fifteen minutes after the time at which any meeting of the Council is appointed to be held, the Town Clerk, after counting the number of Members present, announces that a quorum is not present, then no meeting shall take place.
- 5.3 If, during any meeting of the Council the attention of the Mayor shall be called to the fact that there is not one third of the Members present, the Town Clerk shall call over the names of the Members of the Council, and if there be not one third of the Members present, the Mayor shall adjourn the meeting of the Council and the names of those who are present and those who are absent shall be recorded in the minutes of the Council.

Consideration of any business not transacted shall be given at the next meeting of the Council.

## 6. Voting

- 6.1 Members shall vote by show of hands.
- 6.2 If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it or abstained. Such a request must be made before the vote is taken.
- 6.3 Subject to 6.4 and 6.5 below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not the Chairman gave an original vote.
- 6.4 If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office that person may not give an original vote in an election for Chairman.
- 6.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 7. Agenda

- 7.1 The Town Clerk shall set out with every summons for a meeting of the Council notice of all business which in the Town Clerk's judgement requires to be brought before the Council, and all other business where notice in writing, by way of notice of motion signed by a Member of the Council, has been duly given.
- 7.2 The Minutes of the various Committees shall be sent to each Member of the Council electronically unless requested otherwise by that Member.

## 8. Public Participation

- 8.1 Each meeting of the Town Council and its Standing Committees (but not its Sub Committees or working groups) shall be preceded by a period of 'Public Participation' not exceeding fifteen minutes.
- 8.2 Each participant must email or write to the Town Clerk with their name and address and the subject they wish to speak about by 5pm on the working day before the meeting and at the discretion of the Chairman shall be allowed to speak for a maximum of five minutes.
- 8.3 Questions shall be directed to the Chairman of the meeting who may request another member or the Town Clerk to reply.
- 8.4 Answers to questions may take the form of:
  - 8.4.1 Where a working day's advance notice has been given of the question, a direct oral response, or
  - 8.4.2 When the desired information is contained in a publication, reference to that publication, or
  - 8.4.3 When it is more convenient to do so a written answer subsequent to the meeting.

- 8.5 Every question shall be put and answered without discussion.
- 8.6 Questions shall not be permitted that relate to the individual affairs of either the questioner or any other named person, but should only relate to matters of policy or practice, i.e. matters of a general nature rather than individual concern.
- 8.7 The Chairman of the meeting shall disallow any question that is in his or her opinion, scurrilous, improper, pernicious, irrelevant or otherwise objectionable.

## 9. Order of Business

- 9.1 At each Annual Meeting the first business shall be:
  - 9.1.1 To elect a Town Mayor.
  - 9.1.2 To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - 9.1.3 In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - 9.1.4 To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.
  - 9.1.5 To elect a Deputy Town Mayor.
  - 9.1.6 To appoint statutory or standing committees and sub-committees.
  - 9.1.7 To appoint representatives on outside bodies.
  - 9.1.8 To receive the Deputy Town Mayor's declaration of acceptance of office, or it not then received, to decide when it shall be received.

The order of business shall thereafter follow the order set out in Standing Order 9.4.

- 9.2 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman, if the Mayor and Deputy Town Mayor be absent, and to receive such Declarations of Acceptance of Office and written undertakings to observe the Code of Conduct (if any) as are required by law to be made, or if not then received to decide when they shall be received.
- 9.3 In every year, not later than the meeting at which the budget for the next year is settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 22 must be read in conjunction with this requirement.
- 9.4 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
  - 9.4.1 To read and consider the Minutes of the last meeting of the Council, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - 9.4.2 After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record.
  - 9.4.3 To deal with business expressly required by statute to be done.
  - 9.4.4 To dispose of business, if any, remaining from the last meeting.
  - 9.4.5 To receive such communications as the Town Mayor may wish to lay before the Council.

- 9.4.6 To receive and consider reports and minutes of committees and advisory committees.
- 9.4.7 To receive and consider reports from officers of the Council.
- 9.4.10 To consider motions or recommendations in the order in which they have been notified.
- 9.4.11 Any other business specified in the summons.

## **10. Variation of Order of Business**

- 10.1 A motion to vary the order of business on the grounds of urgency:
  - 10.1.1 May be proposed by any member, and
  - 10.1.2 Shall be put to the vote without discussion.

## **11. Resolutions Moved On Notice**

- 11.1 Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least seven clear days before the next meeting of the Council.
- 11.2 The Town Clerk shall date every notice of motion or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 11.3 The Town Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing the intention to move at some later meeting or has withdrawn it in writing.
- 11.4 If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without new notice.
- 11.5 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report, provided that the Chairman, if considering it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 11.6 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

## **12. Improper Motions**

- 12.1 If the Town Clerk receives notice of motion and has doubt as to the propriety of inserting it in the summons, it shall be submitted to the Chairman who, if of the opinion that the motion is vexatious, scurrilous or otherwise improper, may direct such notice to be returned with an intimation that it will not be inserted in the summons, and the Town Clerk shall return the same accordingly.

- 12.2 No motion substantially the same as a motion rejected within the preceding three months shall be allowed.

### **13. Resolutions Moved Without Notice**

- 13.1 Resolutions dealing with the following matters may be moved without notice:

- 13.1.1 To appoint a Chairman of the meeting.
- 13.1.2 To correct the minutes.
- 13.1.3 To approve the minutes.
- 13.1.4 To alter the order of business.
- 13.1.5 To proceed to the next business.
- 13.1.6 To close or adjourn the debate.
- 13.1.7 To refer a matter to a committee.
- 13.1.8 To appoint a committee or sub-committee or any members thereof.
- 13.1.9 To adopt or amend a report.
- 13.1.10 To authorise the sealing of documents.
- 13.1.11 To amend a motion.
- 13.1.12 To give leave to withdraw a motion or amendment.
- 13.1.13 To exclude the press and the public (see Standing Order 35)
- 13.1.14 To silence or eject from the meeting a member named for misconduct (see Standing Order 17)
- 13.1.15 To extend the time limit for speeches.
- 13.1.16 To give the consent of the Council where such consent is required by these Standing Orders.
- 13.1.17 To suspend any Standing Order (see Standing Order 41)

### **14. Questions**

- 14.1 A member may ask the Chairman, the Chairman of a Committee or the Town Clerk any question concerning the business of the Council.
- 14.2 (paragraph deleted)
- 14.3 Every question shall be put and answered without discussion.
- 14.4 A person to whom a question has been put may decline to answer.
- 14.5 Where the reply to any question cannot conveniently be given orally, it shall be a sufficient reply if the answer is circulated to Members of the Council with the Minutes of the Meeting at which the question has been asked.

### **15. Rules of Debate**

- 15.1 No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be included in the Minutes of the meeting at which the correction is made.
- 15.2 A resolution or amendment shall not be discussed unless it has been proposed and seconded. Unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.

- 15.3 A member when seconding a resolution or amendment may declare to reserve his speech until a later period of the debate.
- 15.4 A member shall speak to the question under discussion or to a personal explanation or to a question of order.
- 15.5 No speech shall exceed five minutes, except by consent of the Council.
- 15.6 An amendment shall be either:
  1. To leave out words.
  2. To leave out words and insert or add others.
  3. To insert or add words.
- 15.7 An amendment shall not have the effect of negating the motion before the Council.
- 15.8 If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- 15.9 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 15.10 The mover of a resolution or of an amendment shall have a right of reply not exceeding five minutes.
- 15.11 A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.
- 15.12 A member may speak to make a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by that member which may have been misunderstood.
- 15.13 A motion or amendment may be withdrawn by the proposer with the consent of his or her seconder unanimous consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- 15.14 When a resolution is under debate no other resolution shall be moved except the following:
  - 15.14.1 To amend the resolution.
  - 15.14.2 To proceed to the next business.
  - 15.14.3 To adjourn the debate.
  - 15.14.4 That the question be now put.
  - 15.14.5 That a member named be not further heard.
  - 15.14.6 That a member named do leave the meeting.
  - 15.14.7 That the resolution be referred to a committee.
  - 15.14.8 To exclude the public or the press or both.

15.14.9 To adjourn the meeting.

15.15 The ruling of the Chairman on a point of order or on the admissibility of personal explanation shall not be discussed.

15.16 Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

15.17 The Chairman shall call upon individual members to speak and when the member or the Chairman is speaking all other members shall be silent.

## **16. Closure**

16.1 At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), shall forthwith put the motion. If the motion "that the question be now put" is carried, the Chairman shall call upon the mover to exercise or waive the right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## **17. Disorderly Conduct**

17.1 All members of the Council must observe the Code of Conduct which was adopted by the Council on 2<sup>nd</sup> July 2012, a copy of which is annexed to these Standing Orders.

17.2 No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

17.3 If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Local Standards Committee.

17.4 If the motion mentioned in paragraph 17.3 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce it.

## **18. Right of Reply**

18.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.



## **19. Alteration of Resolution**

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

## **20. Rescission of Previous Resolution**

- 20.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least eight members of the Council.
- 20.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- 20.3 This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendation of a committee.

## **21. Voting on Appointments**

- 21.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a new vote taken, and so on until a majority of votes is given in favour of one person. This Standing Order shall not apply in any case where the method of voting is prescribed by statute.

## **22. Discussions and Resolutions Affecting Employees of the Council**

- 22.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No 35).

## **23. Resolutions on Expenditure**

- 23.1 Any motion which is moved otherwise than in pursuance of a recommendation of the Policy & Finance Committee, or of another Committee after recommendation by the Policy & Finance Committee and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council, or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by it shall consider whether it desires to report thereon. The Policy and Finance Committee shall report on the financial aspect of the proposal.

## **24. Sealing of Documents**

- 24.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

## 25. Committees and Sub-Committees

25.1 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary but subject to any statutory provision in that behalf:

- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- (b) may appoint persons other than members of the Council to any committee;

25.2 The Town Mayor and Deputy Town Mayor ex-officio shall be non-voting members of every committee unless appointed as a voting member.

25.3 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council-

25.4. The Chairman of a committee or the Chairman of the Council may summon an additional meeting or change the date of a meeting of that committee at any time subject to giving the required statutory notice. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

25.5 Every committee may appoint sub-committees for purposes to be specified by the committee.

25.6 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

25.7 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members (rounded down).

25.7(a) To note the Planning Quorum will be one third of its members.

25.8 The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.  
All other Standing Orders shall, with any necessary modifications, apply to Committees and sub-Committees.

## 26. Advisory Committees

26.1 The Council may create advisory committees, whose name, number of members and the bodies to be invited to nominate members shall be specified.

26.2 The Town Clerk shall inform the members of each advisory committee of the terms of reference of the advisory committee.

- 26.3 An advisory committee may make recommendations and give notice thereof to the Council.
- 26.4 An advisory committee may consist wholly of persons who are not members of the Council.

## **27. Voting in Committees**

- 27.1 Members of committees and sub-committees shall vote by show of hands. The provisions of Standing Order 6.2 apply to Committees and Sub-Committees.
- 27.2 Chairmen of committees and sub-committees shall, in the case of an equality of votes, have a second or casting vote.
- 27.3 Co-opted members of Committees and Sub-committees will not be eligible to vote, however, due consideration will be given to their input to the debate.

## **28. Presence of Non-Members of Committees at Committee Meetings**

- 28.1 A member who has proposed a motion which has been referred to any committee of which that person is not a member, may explain the motion to the committee but shall not vote.
- 28.2 Any Council member shall, unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee of which that person is not a member and, at the discretion of the Chairman, be permitted to speak but not vote.

## **29. Delegated Powers**

- 29.1 Without prejudice to the Town Clerk's general managerial responsibilities and the approved scheme of Committee and Officer Delegations no group of Members, individual Member or Officer shall have delegated power to take decisions on behalf of the Council save as provided by this Standing Order.
- 29.2 The Council may at any time delegate its authority to deal with any particular matter under consideration to a Committee or to a Sub-committee or to an ad-hoc group of Members (which shall consist of at least three) or to the Town Clerk.
- 29.3 In the event of any matter arising which requires an urgent decision the Town Clerk shall forthwith consult with the Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Policy and Finance Committee if the matter involves expenditure not provided for in the annual estimates) and those Members so consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 29.4 Before exercising the delegated powers granted by paragraph 29.3 of this Standing Order, those Members consulted shall consider whether the matter is of sufficient import to justify the summoning of a Special Meeting of the appropriate Committee in accordance with Standing Order 25 and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

- 29.5 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Committee concerned.

### **30. Code of Conduct and Interests**

- 30.1 If a member has a non-pecuniary interest as defined by the Code of Conduct adopted by the Council on 2<sup>nd</sup> July 2012, then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. A copy of the Code of Conduct is available on request and published on the Town Council's website.
- 30.2 If a member who has declared a non-pecuniary interest then considers the interest to be pecuniary, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.
- 30.3 The Town Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, and in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by Statute.
- 30.4 If a candidate for any appointment under the Council is, to his/her knowledge related to any member of, or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
- 30.5 The Town Clerk shall make known the purpose of this Standing Order to every candidate.

### **31. Canvassing of and Recommendation by Members**

- 31.1 Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this paragraph of this Standing Order to every candidate.
- 31.2 A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion. Nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

### **32. Tenders and Contracts**

- 32.1 Standing Orders 39(e) and (f) shall apply to tenders and contracts for work as if the person making the tender or applying for a contract for work were a candidate for an appointment.
- 32.2 The Town Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the council of a pecuniary interest in a

contract or tender, and the book shall be open during reasonable hours of the day for the inspection of any member.

- 33.3 *All procurement and award of contracts covered by the 2015 Regulations which have an estimated value of £25,000 or more must satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder website*

### **33. Inspection of Documents**

- 33.1 A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 33.2 All Minutes kept by the Council and by any Committees shall be open for the inspection of any member of the council.
- 33.3 The Minutes of the Council shall be open to inspection by any elector of the parish.
- 33.4 All other documents of the Council shall be open to inspection in accordance with the Publication Scheme adopted by the Council under the Freedom of Information Act 2000.

### **34. Unauthorised Activities**

- 34.1 No member of the Council or of any committee or sub-committee shall in the name of, or on behalf of, the Council:-
- 34.1.1 Inspect any lands or premises which the Council has a right or duty to inspect, or
- 34.1.2 Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee/subcommittee.

### **35. Admission of Public and Press to Meetings**

- 35.1 The public and the press shall be admitted to all meetings of the Council and its Committees and Sub-Committees, which may, however, temporarily exclude the public or the press or both by means of the following resolution:
- “That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be excluded and they are instructed to withdraw.”
- 35.2 The Council, committee or sub-committee shall state the special reason for exclusion.
- 35.3 The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 35.4 Audio or video recording the recording of proceedings on a device or photographs may be made of any part of the the meeting from which the press and public are not excluded without the express permission of the Chairman provided that they cause no disruption or intrusion into the business of the Council. Oral commentary is not permitted during a meeting and children or vulnerable adults should not be filmed or photographed.

- 35.5 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the person be removed from the meeting room or that the part of the meeting room open to the public be cleared. The Chairman may adjourn the meeting for such period as is necessary to restore order.

### **36. Confidential Business**

- 36.1 No Member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- 36.2 Any Member in breach of the provisions of paragraph 36.1 of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **37. Liaison with Unitary Councillors**

- 37.1 A notice of Council meetings and minutes shall be sent to the Unitary Authority Liaison Officer.

### **38. Planning Applications**

- 38.1 Every planning application notified to the Council shall be recorded in the Minutes of the Planning Committee.
- 38.2 The Town Clerk shall refer every planning application to the Planning Committee except in the case of major planning applications of a strategic nature when the application shall be referred to Council.

### **39. Contracts**

- 39.1 Contracts to comply with Standing Orders
- (a) Every contract, whether made by the Council or by a committee or sub-committee to which the power of making contracts shall have been delegated, shall comply with these Standing Orders and no exception from any of the following provisions of these Orders shall be made otherwise than by direction of the Council or, in an emergency, by such a committee or sub-committee as aforesaid with the approval of the Chairman of the Policy and Finance Committee.

#### Exceptions

- (b) Every exception made by a committee or sub-committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
- (c) Express note of any exception from any of the provisions of these Standing orders and of the emergency, if any, by which the exception shall have been justified shall, unless recorded, in the report of a committee or sub-committee, which is laid before the Council, be made in the minutes of the Council.
- (d) Before any contract for the supply of goods and materials, execution of works, or any provision as to the maintenance or servicing thereof is made, the Town Clerk or Head

of Service initiating such order shall ensure that the estimated cost of said supply or works has been included in the annual budget of the Council under the appropriate heading.

- (e) Any proposed contract for the supply of goods and materials, execution of works or any provision as to the maintenance or servicing thereof which has not been included in the annual budget shall be the subject of a separate report to the appropriate committee or the Council. If approved, normal tender procedures will apply.

### Financial Variations

- (f) All financial figures contained within these Standing Orders are agreed as at 16<sup>th</sup> March 2015.

#### 39.2 Tendering Procedures

##### Arrangements for invitation of tenders

- (a) Where the estimated cost of works, goods and materials and related services is as set below and the requisite provision thereof has been made in the approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
£7,500 to £20,000	Minimum of three invitations for quotations	Town Clerk and Committee Chairman
£20,001 to £65,000	Minimum of four invitations for quotations	Town Clerk and Chairman of appropriate Committee
Above £65,000	Minimum of five invitations for tenders (with discretion to invite tenders by public advertisement up to £95,000)	Town Clerk and Chairmen of appropriate Committee and Policy and Finance Committee

In all cases up to £20,000 where the lowest tender received is in excess of 5% above the original estimate, or in cases over £20,000 where it is in excess of the original estimate, it shall be reported to the appropriate committee for acceptance or otherwise.

- (b) Public Advertisement

Contracts which exceed £95,000 in value or amount for the supply of goods or materials or the execution of any work for which provision has been made in the annual budget shall not be made unless at least ten days public notice has been given in one or more of the local newspapers circulating in the district. Provided that it shall not be obligatory for the Council or any committee or sub-committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the committee or sub-committee exercising such powers

that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

(c) Standing Lists of Tenderers

- (i) Where the Council has determined that lists shall be kept of persons to be invited to tender for contracts for the supply of goods and materials of specified categories, values or amounts or for the execution of specified categories of work, notices inviting applications for inclusion in the lists shall be published in one or more newspapers or journals circulating amongst such persons as undertake contracts of specified values or amounts or categories.
- (ii) The list shall contain the names of all persons who wish to be included in it and are approved by the appropriate committee and indicate whether a person whose name is included on it is approved for contracts for all, or only some of the specified values or amounts or categories.
- (iii) The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding five years.
- (iv) Where, by virtue of a decision of the Council or of the committee or the Town Clerk duly authorised on that behalf, invitation to tender for a contract is limited to persons whose names appear on the list maintained under this Order, an invitation to tender for a particular contract shall be sent:

In respect of contracts of above £7,500 but less than £20,000 to three tenderers, less than £65,000 to four tenderers, £65,000 and above to five tenderers. Should the said list not include the required number of tenderers, then a minimum of three will be invited to tender.

(d) Exceptions to procedures

The Order shall not apply to:

- (i) the supply of goods and materials or the execution of works of less than £7,500 in value;
- (ii) purchase by auction;
- (iii) purchase or repair of patented or proprietary goods or materials sold at fixed price;
- (iv) purchase of materials normally supplied by specialist contractors;
- (v) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- (vi) the execution of work or the purchase of goods or materials which are a matter of urgency after prior reference to the appropriate Committee Chairman;
- (vii) the purchase of goods or materials which the Town Clerk may, from time to time, deem it expedient to make in the open market provided that before making



any such purchase the approval of the Chairman of the appropriate committee concerned is obtained and finance is available in the appropriate budget;

- (viii) contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance, and
- (ix) those contracts where a committee may expressly determine that it is in the Council's interest that a tender be negotiated directly with a contractor or supplier of goods or services.

(e) Requirements for submission of tenders

Where in pursuance of Standing Order 39.2(a) public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender and such envelopes shall remain in the custody of the Town Clerk until the time appointed for their opening.

(f) Declarations as to conduct of Tenderer

In connection with the submission of tenders for the execution of works or supply of goods and materials, declaration shall be obtained from each tenderer in the following form:

"We declare that we are not parties to any scheme or arrangement under which

- (i) We communicate the amount of our tender to any other person or body before the contract is let;
- (ii) Any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and
- (iii) Our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works.

No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto."

(g) Procedure for opening tenders

Tenders shall be opened by the Town Clerk or an official of the Council designated by him at one time and only in the presence of such Member or Members of the Council as may have been designated for the purpose by the Council or by the committee or sub-committee to which the power of making the contract to which the tenders relate has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate committee or sub-committee.

(h) Limitations of acceptance of tenders

A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted until

the Council shall have considered a written report from the appropriate Officer or other appointed specialist advisor.

39.3 Contracts for Supplies and Services, etc.

Every contract which exceeds £10,000 in value or amount shall be in writing.

Every contract in writing shall be signed by the Town Clerk on behalf of the Council.

39.4 Contracts for Supplies, Services or Works

Every contract for which provision has been made in the approved annual estimates and/or approved by the appropriate committee or Sub-Committee of the Council pursuant to Standing Orders and being in value of amount less than £10,000 shall be entered into on behalf of the Council by the Town Clerk or his nominated representative by issuing an official order only.

39.5 Contents of written Contracts and Penalties

Every written contract shall specify:

- (i) the work, materials, matters or things to be furnished, had or done;
- (ii) the price to be paid with a statement of discounts or other deductions, and
- (iii) the time or times within which the contract is to be performed.

39.6 Corrupt Practices

There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do for having done or forborne to do any action in relation to the 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 any other contract with the Council, or if the like acts shall have been done by any person employed by him/her or acting on his/her 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/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972.

## 40. Complaints Procedure

- 40.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner outlined in the Council's adopted Complaints Procedure, other than those complaints which should be properly directed to the North Somerset Standards Committee.

## **41. Variation, Revocation and Suspension of Standing Order**

- 41.1 Any part of these Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- 41.2 A motion permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council to allow time for the Town Clerk to research the implications of the proposal.

## **42. Record of Attendance at Meetings**

- 42.1 The Town Clerk shall maintain a Record of Attendances in respect of meetings of the Council and of its Committees.

## **43. Distribution and Construction of Standing Orders**

- 43.1 A printed copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to the Town Clerk of the Member's Declaration of Acceptance of Office.
- 43.2 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at a meeting of the Council.

## **44. Code of Conduct**

- 44.1 Members of the Council shall be bound by the Code of Conduct which was adopted by Weston-super-Mare Town Council on 2<sup>nd</sup> July 2012. The Code is available on request and published on the Town Council's website.

## **45. Financial Regulations**

- 45.1 These Standing Orders shall be read in conjunction with the Financial Regulations of the Council as amended from time to time, which shall be available on request and published on the Town Council's website.