

BARLBY AND OSGODBY TOWN COUNCIL STANDING ORDERS – 2017

MEETINGS

1. The Council will meet on the last Wednesday of each month except for December. The December Meeting will be carried over to the first Wednesday in January unless this clashes with the New Year holiday, in which case the Meeting will be held on the second Wednesday in January making a total of twelve Meetings per calendar year including the Annual Meeting. Meetings will be held at an agreed location, accessible to members of the Public and press and begin at 7.00 p.m. unless agreed otherwise. There is no set time for conclusion of business. Photographing, recording, broadcasting or transmitting the proceedings of a Meeting open to the Public, by any Means, is permitted subject to the recording being overt and with prior notice given (see Recording Protocol). The Chairman, other appointed representative or Officer of the Council has the authority to take appropriate action if the protocol is contravened.
2. The Statutory Annual Meeting will be held on the last Wednesday in May, but in an election year, on the Wednesday following the fourth day after Election Day.
3. The law confers rights, powers and duties upon the Council, Councillors and its Council Manager and Finance Officer. Standing Orders are not required for these elements, but for simplicity some specific ones are repeated in these Standing Orders.
4. The Chairman, if present, shall preside. If the Chairman is absent, the Vice Chairman shall preside. Otherwise the Councillors present shall elect a Chairman for the meeting and that person shall have the powers and duties of the Chairman in relation to that meeting.
5. Four Councillors shall constitute a quorum. If there is not a quorum, either at the beginning of the Meeting or during the Meeting, the business shall be adjourned to the next meeting, or to a date fixed by the Chairman.
6. Voting will be by a show of hands of those present and voting, unless two Councillors require a named ballot which will be recorded by the Council Manager, and entered in the minutes. If a Councillor requests a named vote, the Council Manager will record the manner of that Councillor's vote on a proposition. For clarity, a named vote must be requested before that vote is taken.

In addition to the ordinary vote applicable to all members, the Chairman of the meeting will have, in addition to an ordinary vote, a casting vote if there is equality on any issue. The Chairman may only exercise the ordinary vote at the same time as other Councillors and, even if no ordinary vote was cast by the Chairman, the right to exercise the casting vote is not affected. There may be occasions where a former Chairman, or Vice Chairman, who is no longer a member of the Council, is presiding at an Annual Meeting. This is governed by law, but the person so presiding will not have an ordinary vote, but is required to give a casting vote if there is equality in voting for a new Chairman. If the Chairman is at the meeting he must preside over the election of his successor and is empowered to have a casting vote.

7. An order of business is established by law in respect of the Annual Meeting, and the first business at ordinary meetings. At each Annual Meeting the first business shall be to elect a Chairman, followed by the Chairman's acceptance of Office. Additionally, the Council has an established order for other matters, which require attention at the Annual and subsequent Meetings. The Council will usually follow this order, which can be varied by the Council upon the proposition of any Councillor, and such proposition, when seconded will be put without debate.
8. Most of the Business of the Council will be straightforward but there are some areas, which require rules to enable the Chairman of the Meeting to keep control of the debate, and of Councillors. The following Standing Orders relate to this requirement.
9. Resolutions dealing with the following matters may be moved without notice:
 - (a) To appoint a Chairman of the meeting.
 - (b) To correct the minutes.
 - (c) To approve the minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.

- (g) To refer a matter to a properly constituted committee.
 - (h) To appoint a committee or any members thereof.
 - (i) To adopt a report.
 - (j) To authorise the signing and sealing of documents.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a resolution or an amendment.
 - (m) To extend the time limit for speeches.
 - (n) To exclude the public (and the press).
 - (o) To silence or eject from the meeting a member named for misconduct.
 - (p) To invite a member having an interest in the subject matter under debate to remain
 - (q) To give consent of the Council where such consent is required by these Standing Orders.
 - (r) To adjourn the meeting.
 - (s) To suspend any standing order
 - (t) To facilitate the effective management of the Councils business.
10. A Councillor may ask any relevant question, during the time on the Agenda set aside for each item, and whilst it is not expected that questions will re-open a previous debate, if new information is forthcoming then motions may be moved accordingly. A person to whom a question has been put may decline to answer.
11. The rules governing debate should not impose a burden on the need to exchange information and views and reach a sensible decision, which is in the interests of the Council and the population, which it serves. When giving a speech, either when moving a motion, seconding a motion (either immediately or later in the debate, if signified), or against a motion, Councillors must keep to the point, and the point must be relevant to the Council, the Council's business or its area, and the speech must last no more than 5 minutes. Amendments may be moved to add or delete words, but not so as to negative the motion, and only one amendment may be dealt with at the same time. The amendment, if carried, will become the motion under debate, and further amendments may be moved provided that notice of further amendment has been given before the vote on the original motion was put.

During debate some motions not directly related to the subject may be moved, as follows:

- To amend the resolution.
- To proceed to the next business.
- To adjourn the debate.
- That the question be now put.
- That a Councillor named be not further heard.
- That a Councillor named does leave the meeting.
- That the resolution be referred to a committee.
- To exclude the public and press.
- To adjourn the meeting.

Councillors should not speak more than once (except to clarify a previous statement or to exercise their right of reply as the mover of a proposition), must not interrupt a speaker, and shall address the Chairman at all times. The Chairman will retain the right to control the debate and will have the final say in the interpretation of these rules. When the Chairman rises, Councillors shall cease speaking, or risk exclusion from the meeting.

12. With the intention of bringing a debate to a close, any Councillor may move "that the debate be adjourned", or "that the meeting adjourns", or "that the question be put to the vote", and if seconded the Chairman will call for a vote, unless the Chairman is of the opinion, in the case of the motion to put the question, that the subject has not had sufficient debate to allow Councillors to make an informed decision.
13. The Council Manager will record all planning applications upon which the Council's comments are requested, and will submit them to the next meeting of the Council. In exceptional cases where a response is required, a special meeting will be called. This would only occur if the application(s) could not be included on an ordinary meeting agenda or be given an extension of time by Selby District Council planning department.
14. The Press and Public will be admitted to all meetings of the Council, and committees, and will be provided with reasonable facilities. Specifically for 15 minutes before an ordinary meeting, members of the Public will be encouraged to ask questions of the Council, and raise matters for the Council to consider. The Public participation protocol will apply.

The Press and members of the Public can be excluded from any meeting whilst confidential business is considered. If the Press and Public have been excluded, the business transacted will be kept confidential until it becomes public in the ordinary course of the Council's business. Councillors should not disclose information given in confidence or which they believe or ought to aware is of a confidential nature.

15. If there is an interruption of a meeting from Public or Press, the Chairman of the meeting can, after warning them, order their removal.

MINUTES AND AGENDA

16. The County Councillors and District Councillors representing Barlby and Osgodby will be sent notice of Meetings. The Council can decide to send a copy of specific correspondence.
17. Most items will appear on the Agenda through the ordinary course of the Council's business, but if a Councillor wishes to have something specific included, then notice can be given to the Council Manager, at least 7 days in advance of the meeting, and it will be included on the Agenda. It must be relevant to the Council's business and be clear in meaning, if the wording or nature of a proposed item is considered unlawful or improper the Council Manager shall consult with the Chairman to consider whether the item should be included or rejected and the decision of the Council Manager shall be final. A Councillor can request that the motion be held over to a following meeting or it can be withdrawn, up to the Agenda being published.
18. Minutes will be kept by the Council Manager and will be open to inspection by Councillors at all reasonable times. Minutes will be submitted to the next following ordinary Meeting of the Council for confirmation of their correctness only, and no other debate will be allowed on the minutes.
19. A Councillor may, for the purposes of membership, inspect and have copies of any documents held by the Council. The Minutes of a meeting shall be available for inspection by any elector after the Council has adopted them.

PROCEDURES

20. Councillors must behave in an orderly manner; otherwise the Council may vote to either silence further comment from the Councillor or exclude the Councillor from the meeting or suspend the Meeting. The Chairman is permitted to take action to enforce this rule.
21. The need to rescind a previous decision within 6 months of it being taken will be very rare, but if 4 Councillors sign a written notice of the intention to move a special resolution the Council will consider that resolution or the report or recommendation of a Committee or Officer. Once Council has considered it, and the Council Manager's advice in respect of that resolution, nothing similar can be considered for a further six months.
22. 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 fresh vote taken, and so on until a majority of votes is given in favour of one person.
23. The Council can set up Committees, and appoint Councillors to those committees, and whilst it can review these decisions at any time, it will review them at its Annual Meeting. The Chairman and Vice Chairman of the Council shall be ex officio members of every Committee, unless they signify that they do not wish to be. Committees will, at their first meeting, elect a Chairman and appoint a Vice-Chairman, and decide when they will meet. Committees can invite up to two non Councillors to join the Committee, they will be non-voting members. Committees can appoint sub-committees for purposes to be specified by the Committee. Special meetings can be called either by the Chairman or by a quarter of the voting members, but the only business at such meeting will be that specified on the summons. A quorum for a Committee will be half its voting members. Otherwise the same rules apply to Committees as apply to Council.

FINANCIAL MATTERS

24. The Council is custodian of Public money and must be seen to spend it properly, and to comply with the law. For this purpose, all expenditure and income shall be dealt with in accordance with the Councils Financial Regulations which deal with the payment of accounts and receipt of money. The Council will follow statutory regulations governing accounting procedures.

25. If the effect of a resolution is such as to have damaging consequences on the finances of the Council, or would involve Capital expenditure, the Chairman can adjourn further debate until the next meeting.
26. To give effect to some decisions, the Council can authorise 2 Councillors to sign and seal the necessary documents.
27. Councillors, the Chairman and the Council Manager/RFO have rights, powers and duties laid down by law, and by the delegation of powers by the Council. No Councillor or Officer shall act in any way other than in accordance with the terms of Council decisions, and shall not take any action of any sort, which is not authorised.

Press and publicity releases and official comments relating to the business of, and issued on behalf of, the Town Council may only be made by the Council Manager or the Chairman.

If a genuine emergency arises, the Council Manager, is authorised to act on behalf of the Council and if time permits, liaise with the Chairman. Action taken under this Standing Order will be reported to the next Council meeting.

28. Financial Regulations and Procurement
The Council shall consider and approve and review annually detailed arrangements including the keeping of accounting records, systems of internal control and the work of the independent internal auditor, local Electors rights, and procurement policies for contracts under the Public Contract Regulations 2015 (PCR2015).

Tenders

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall satisfy the PCR 2015 and will be procured on the basis of a formal tender, advertised on the contract finder website and include the following steps :

- (a) A specification for goods, materials, services and the execution of works
- (b) An invitation to tender confirming the Council's specification, the time date and address for the submission of tenders, the date of the Council's written response to the tender and the prohibition on prospective contractors contacting Councillors or Staff to encourage or support their tender outside the proscribed process.
- (c) The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.
- (d) Tenders are to be submitted in writing in a sealed envelope addressed to the Council Manager.
- (e) Tenders shall be opened by the Council manager in the presence of at least one other Councillor after the deadline for submission has passed.
- (f) Tenders are to be reported to and considered by the appropriate Meeting of the Council.
- (g) Neither the Council nor any Committee is bound to accept the lowest value tender.
- (h) Where the value of a contract is likely to exceed £172,514* the Council must comply with the PCR2015 and the Utilities Contracts Regulations 2006 si6. If the 2006 Regulations apply to the contract the Council must comply with EU procurement law.

* Or other threshold specified by the Office of Government Commerce.

29. Minor Contracts

- (a) Where possible, 3 quotations are required for goods or services expected to exceed £2,500.
- (b) Where possible, 3 quotations are required for goods or services over £10,000 and 3 weeks public notice shall be given.
- (c) If no tenders or quotations are received, or if all received are identical, the Council may make such arrangements for procuring the goods or materials or executing the works and services as it thinks fit.

CODE OF CONDUCT

30. All Councillors must complete a 'Register of Members Interests' form, which will be filed by the Council Manger and copied to the monitoring officer at Selby District Council. A Councillor must observe Barlby and Osgodby Town Council's Code of Conduct whenever he or she conducts the business of the Council, conducts the business of the office to which he or she has been elected or appointed or acts as a representative of the Council. A copy of the Code will be given to each Councillor and a declaration of acceptance form will be signed.

Councillors must bear in mind that their actions in considering or dealing with any matter, must in the eyes of the public be absolutely beyond question or doubt as to the propriety of such decision, and Councillors will not use their influence to seek the appointment of any candidate

- or contractor. If any candidate or contractor canvasses a Councillor in any way they will be excluded from consideration. A Councillor may give a reference to a candidate, but having done so will not take part in any further proceedings connected with that appointment.
31. Councillors with disclosable pecuniary interests in issues being considered by Council must declare that interest at the earliest opportunity (if not already entered into the Register). Dispensations may be requested, in writing, to the Council Manager and may be granted by the Parish Council in certain circumstances.
 - (a) Councillors with an Appendix A interest must not participate in the discussion, not vote on that issue and withdraw from the room.
 - (b) Councillors with an Appendix B interest or an interest in a matter relating to a friend, relative or close associate may speak but not vote on that issue (see para 26). Councillors with an Appendix B interest are permitted the same rights as members of the public to make representations, answer questions or give evidence at meetings.

STAFFING ISSUES

32. The Council Manager shall be the Responsible Financial Officer and shall be the Proper Officer of the Council, in relation to all statutory requirements.
33. Before discussing anything about an employee, Council has to consider whether to exclude that employee, if present, and the Press and Public.

GOVERNANCE

34. Requests for information covered by the Councils Publication Scheme and Freedom of Information Act will routinely be dealt with by the Council Manager, contentious requests shall be referred to full Council for consideration. Charges for the supply of information such as copying and postage will be estimated using those charges set out in the Publication Scheme.
35. Complaints regarding the Councils procedures or decisions will be dealt with under the terms of the Councils Complaints policy.
36. A proposal to alter these Standing Orders shall be adjourned without debate to the next ordinary Meeting of the Council. A copy will be given to each Councillor on appointment.

If the Council's business requires it, the Council can temporarily suspend any of these Standing Orders, but in doing so must first take advice from its Council Manager as to whether in suspending any Standing Order, any statutory provisions will be breached. The Statutory provisions will take precedence.