

Draft Standing Orders
 for the Parish Council of
 RIPPINGALE
 in the
 SOUTH KESTEVEN
 DISTRICT of the county of
 LINCOLNSHIRE
 England
 July, 2004

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Acknowledgments

These Standing Orders are derived from the handbooks *Standing Orders and Chairmanship* (1996) and *Powers and Constitution of Local Councils* (1991) published by the National Association of Local Councils, 108 Great Russell Street, London WC1B 3LD.

Thanks are expressed to Pointon & Sempringham Parish Council for use of its Standing Orders as a model.

Preliminary

Guidance, including clarification of matters of constitutional law, is printed in italic. In these orders, words importing one gender import either gender.

1 Any or every part of these Standing Orders except those printed in **bold** type may be suspended by resolution in relation to any specific item of business.

2 A resolution 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.

Proper Officer

3 Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, he shall be the Clerk:

- a) To receive declarations of acceptance of office.
- b) To receive notices disclosing members' interests under Standing Order 79.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents but not cheques on behalf of the Council.
- e) To receive copies of byelaws made by a District Council.
- f) To certify copies of byelaws made by the Council.
- g) To sign summonses to attend meetings of the Council.
- h) To publish information.

4 In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

Meetings

The Council must hold an Annual Meeting under Standing Order 7 and must, in addition, meet on at least three other occasions in the year. The Chairman may convene a meeting of the Council at any time. In addition, if two members sign a requisition that the Council be convened and the Chairman either refuses or neglects to do so for seven days, then any two members may convene a meeting. Meetings of the Council may not commence before 6pm. Three clear days before a meeting notice of its time and place must be posted in a conspicuous place in the parish. If members of the Council are calling the meeting they must sign the notice, and it must then specify the business to be transacted. Also three clear days before the meeting a summons (i.e. the Agenda) specifying the business to be transacted and signed by the proper officer, must be sent or delivered to the usual residence of each member.

Meetings may be held in any suitable premises but may not be held in licensed premises unless no other room is available free or at a reasonable cost. This prohibition extends to hotels, restaurants and licensed groceries.

The minutes of a meeting of the Council or of a committee must be drawn up and signed as a correct record at the meeting or the next following meeting by the person presiding at the time of signature. Duly signed minutes can be used as evidence of the matters they record.

5 Meetings of the Council shall be held in Rippingale Village Hall at 7.30pm unless the Council otherwise decides at a previous meeting.

6 Smoking is not permitted at any meeting of the Council.

7 The Annual Meeting shall be held:

a) In an election year on the fourth day after the date of the elections to the Council or within fourteen days thereafter.

b) In a year that is not an election year on any day in May.

8 The Council shall also meet in January, February, March, April, May, June, July, September, October & November.

Admission of the Public and the Press to Meetings

In principle the public (which includes the press) is entitled to be present at all meetings of the Council, its committees and its sub-committees. The Council or a committee or a sub-committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Where the public have been excluded the decisions made in the closed session must be minuted and a record should be kept of who was present at the session. The press should be told of any decision. Business is "confidential" if its discussion must be kept secret; it is "special" and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

9 The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution:

“That in view of the [confidential] [special - state reason] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw”.

If a person’s advice or assistance is needed they may be invited by name to remain after the exclusion resolution is passed.

10 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

11 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 public shall be excluded under Standing Order 9.

12 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.

13 Any member in breach of the provisions of Standing Order 12 shall be removed from any committee or subcommittee of the Council by the Council.

Quorum

No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter and apply to the Standards Committee of South Kesteven District Council for a dispensation. The application should state the grounds and the persons for whom relief is sought.

14 Three members shall constitute a quorum.

15 If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

Chairman of Meeting

16 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

The person presiding must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summons have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action is such an instruction. The Council’s decisions are conveyed by resolutions and it is the purpose of the Council’s proceedings to reach, without undue delay, an intelligible and lawful decision for the right reason. The whole duty of a Chairman is to ensure this purpose is achieved and to this end he must:

- a) Protect the Council against outside interference.*
- b) Ensure that everything to be discussed is lawful.*
- c) Ensure that the Council is invited to deal with clear issues.*
- d) Ensure that as far as possible information is complete.*
- e) Permit every point of view to have a fair hearing.*
- f) Ensure that opinions expressed are relevant to the matter in hand.*
- g) Ensure that business is transacted with reasonable speed and as far as possible in a friendly and cooperative manner.*

Voting

17 Members shall vote by show of hands, or, if at least two members so request, by secret ballot.

18 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

19 The person presiding:

a) MAY give an original vote on any matter put to the vote EXCEPT at the Annual Meeting he may not give an original vote in an election for Chairman if he 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

b) AND MAY give a casting vote in the case of an equality of votes even where he gave no original vote

c) BUT MUST give a casting vote whenever there is an equality of votes in an election for Chairman.

A resolution requires a majority and therefore, since equality is not a majority, the Chairman may declare the resolution not carried. But in such circumstances he ought to give a casting vote, if at all possible, in such a way that the matter can be considered again. For instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

Order of Business

In an election year, Councillors should execute Declarations of Acceptance of Office (and, where a member has not previously done so, sign the Code of Conduct and register their interests) in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration before the Annual Meeting commences.

20 At each Annual Meeting, the first business shall be:

a) To elect a Chairman.

b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.

c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

d) To decide when any declarations of acceptance of office that have not been received as provided by law shall be received.

e) To elect a Vice Chairman.

f) To appoint representatives to local organisations including:

- Ripplingale Village Hall Management Committee.

g) To appoint Committees.

h) To consider the payment of any subscriptions falling to be paid annually.

i) To inspect any deeds and trust instruments in the custody of the Council.

AND shall thereafter follow the order set out in Standing Order 22.

21 At every meeting other than the Annual Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

22 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:

a) To receive apologies for absence.

b) To read and consider the Minutes of the previous meeting provided that 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.

c) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

d) To deal with business expressly required by statute to be done.

e) To dispose of business, if any, remaining from the last meeting.

f) To receive such communications as the person presiding may wish to lay before the Council.

g) To receive and consider reports and minutes of Committees.

h) To receive and consider reports from members representing the Council at meetings of local organisations.

i) To receive and consider reports from officers of the Council.

- j) To answer questions from Councillors.
- k) To authorise the sealing of documents.
- l) To authorise the signing of orders for payment.
- m) To consider resolutions or recommendations in the order in which they have been notified.
- n) Any other business specified in the summons.

The summons to a meeting of the Council must by law specify the business to be transacted. The Council cannot legally decide to take any action under the heading of "any other business" because these words do not specify any item of business. There is no practical objection to exchanges of information under "any other business" or the giving of preliminary notification of important business for next time.

23 A motion to vary the order of business on the ground of urgency

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

The law makes no provision for dealing with "urgent" business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left until the next meeting. If it is genuinely "urgent", that is it was too late for the agenda and it will be too late for action if left to the next ordinary meeting then an additional meeting should be called or the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to law for the Chairman or any other single member to take a decision binding the Council.

Resolutions Moved On Notice

Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote). Each proposition must be put in a form that can be answered by a simple "Yes" or "No". A resolution is a proposal of the action intended to be taken: for example "That Prippingale Parish Council purchase a grass cutter". A motion is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by ..." or "The motion is that the Council do now adjourn".

24 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

25 The 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 that he intends to move at some later meeting or that he withdraws it.

26 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

27 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 he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

28 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

Resolutions Moved Without Notice

29 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 committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or an amendment.
- m) To place, extend or remove a time limit for speeches.

- n) To exclude the public, under Standing Order 9.
- o) To silence or eject from the meeting a member named for misconduct under Standing Order 86.
- p) To invite a member having an interest in the subject matter under debate to remain, under Standing Order 79.
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To suspend any Standing Order under Standing Order 1.
- s) To adjourn the meeting.

Rules of Debate

30 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

31 A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

32 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

33 An amendment shall be either:

- a) To leave out words.
- b) To leave out words and insert or add others.
- c) To insert or add words.

34 An amendment shall not have the effect of negating the resolution before the Council.

35 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.

36 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

37 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 a closure.

38 A member may, with the consent of his seconder, move amendments to his own resolution.

39 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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

40 A member shall signify to the Chairman that he wishes to make a point of order or a personal explanation. A member so signifying for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him that may have been misunderstood.

41 A motion or amendment may be withdrawn by the proposer with the 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.

42 When a resolution is under debate no other resolution shall be moved except the following:

- a) To amend the resolution.
- b) To proceed to the next business.
- c) To adjourn the debate.
- d) That the question be now put.
- e) That a member named be not further heard.
- f) That a member named do leave the meeting.
- g) That the resolution be referred to a Committee.
- h) To exclude the public and press.
- i) To adjourn the meeting.

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

44 Members shall address the Chairman.

45 If two or more members signify their desire to speak, the Chairman shall call upon one of them to speak and the others shall wait their turn.

46 Whenever the Chairman rises during a debate all other members shall be seated and silent.

Closure

47 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 the Chairman shall put the motion but, in the case of a motion “to put the question”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive a 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.

Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.

Rescission of previous Resolution

48 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a Committee.

49 When a special resolution or any other resolution moved under the provisions of Standing Order 48 has been disposed of, no similar resolution may be moved within a further six months.

Questions

50 A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

51 No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

52 Every question shall be put and answered without discussion.

53 A person to whom a question has been put may decline to answer.

Voting on Appointments

54 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.

Finance

The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. Section 137 of the Local Government Act 1972 is not a “long stop” in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

55 Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

56 Except as provided in Standing Order 57 or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

57 Where it is necessary to make a payment before it has been authorised by the Council, the appropriate officer shall certify such payment as to its correctness and urgency. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chairman or Vice-Chairman of the Council.

58 All payments ratified under Standing Order 57 shall be so indicated in the next schedule of payments laid before the Council.

59 Notice of all receipts shall be laid before the Council.

60 Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of 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.

Estimates

61 At its meeting in November, the Council shall:

- a) Approve written estimates for the coming financial year.
- b) Review the pay and conditions of service of existing employees.

AND these shall be taken into account when setting the precept.

62 Any committee desiring to incur expenditure shall give to the Clerk a written estimate of the expenditure recommended for the coming year at least seven clear days before the November meeting of the Council.

Planning Applications

63 The Clerk shall refer every planning application to the Chairman or in the Chairman's absence to the Vice-Chairman within 48 hours of receiving it.

Sealing of Documents

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

65 Any two members of the Council named in a resolution moved under the provisions of Standing Order 64 of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

Committees and Sub-Committees

The Council may appoint committees and arrange for them to perform any of its functions except the power to issue a precept or borrow money. A committee may consist partly or wholly of non-councillors but non-councillors do not have a vote except where the committee is dealing, within a budget fixed by the Council, with the management of land owned or occupied by the Council, or the management of a festival, or is controlling the functions of the Council as a harbour authority, or is promoting tourism.

66 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.
- c) May subject to the provisions of Standing Order 48 at any time dissolve or alter the membership of a committee.

67 The Chairman and Vice-Chairman ex officio shall be members of every committee.

68 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, and shall schedule its programme of meetings for the year.

69 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee or two members whichever is greater. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

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

71 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.

72 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 two or one-half of its members, whichever is greater.

73 The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

74 The Council shall determine and the Clerk shall inform the members of each committee of the terms of reference of the committee.

75 A committee may make recommendations and give notice thereof to the Council.

Voting in Committees

76 Members of committees and sub-committees entitled to vote shall vote by show of hands or, if at least two members so request, by signed ballot.

77 Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

78 A Member of Council who has proposed a resolution that has been referred to any committee of which he is not a member may explain his resolution to the committee but shall not vote.

Interests, Canvassing and Recommendations

79 Members shall follow guide "How do I register and declare interests, and register gifts and hospitality?" published by the Standards Board for England, May 2003.

The Council resolved to adopt the Model Code of Conduct for Members as provided in the Parish Councils (Model Code of Conduct) Order 2001 as its local code.

80 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 purport of this Standing Order to every candidate.

81 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; but, 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.

82 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.

Inspection of Documents

83 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.

84 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

Disorderly Conduct

85 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 scandalise the Council or bring it into contempt or ridicule.

86 If, in the opinion of the Chairman, a member has broken the provisions of Standing Order 85, 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 such motion is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

87 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from that meeting.

Unauthorised Activities

88 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- a) Inspect any lands or premises that the Council has a right or duty to inspect.
- b) Issue orders, instructions or directions.
- c) Speak to the press UNLESS authorised to do so by the Council or the relevant committee or sub-committee.

Liaison with County and District Councillors

89 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.

90 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

Contracts

Where the District Council, or any Local Authority, act on behalf of the Council and in so doing operate under their own Standing Orders on contracts for the selection of contractors and competitive tendering (for example, in the case of grant aided contracts), the Council may make an exemption from the provisions of these Standing Orders.

91 Where it is intended to enter into a contract for the supply of goods or materials or for the execution of works:

- a) Exceeding £1,000 but not exceeding £10,000 in value, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.
- b) Exceeding £10,000 in value, similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.

92 Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

93 The Clerk or other person to whom tenders are required to be addressed shall open them on the date specified in the presence of at least one member. The person who opened the tenders shall list them and a member present shall sign the list as witness. The person who opened the tenders shall report the list to the Council or, where a committee or sub-committee has sought the tenders, to that committee or sub-committee.

94 Neither the Council nor any committee or sub-committee is bound to accept the lowest or any tender.

95 If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

96 Standing Order numbers 80, 81 and 82 shall apply to tenders as if the person making the tender were a candidate for an appointment. A notice issued under Standing Order 91 shall contain a statement of the effect of this Standing Order.

Casual Vacancies

Every vacancy of the Council, whether so declared by the Council or not, must be publicly notified. If no poll is claimed within fourteen days by ten electors, a casual vacancy is filled by co-option and the Council must be convened for the purpose forthwith. An absolute majority of those present and voting is required to choose a new councillor. If ten electors claim a poll a bye-election is held by poll conducted by the Returning Officer. No poll can be claimed in the six months before the ordinary elections.

97 The office of a member automatically becomes vacant:

- a) If he ceases to be qualified or becomes disqualified; or**
- b) If he fails to make a declaration of acceptance of office within the prescribed time; or**
- c) If he resigns in writing, at the moment his resignation reaches the Chairman; or**
- d) If he is absent for six consecutive months from meetings unless the Council approves the reason for absence.**

Such approval, however, is not needed for absence by a member of the forces upon war service or for absence by anyone in Her Majesty's Service in connection with a war or emergency, if the Secretary of State thinks that the reason for absence entitles him to relief. Attendance at a committee or as a representative of the Council at another meeting counts as attendance at the Council.

98 The Chairman may resign from the chair in writing. The resignation takes effect only when received by the Council.

Code of Practice on Complaints

The Council is not subject to the jurisdiction of the Local Ombudsman. There is therefore no outside body that can adjudicate on complaints about the procedures of the Council if the law has not been broken. It is, however, important for the good name of the Council that complaints are handled properly and fairly.

99 The Council shall deal with complaints of misadministration allegedly committed by the Council or by any Officer or member in the manner recommended in National Circular 2/86 issued by the National Association of Local Councils and reproduced in Appendix A.

Appendix A - NALC Circular 2/86 - Code of Practice for handling complaints

Preface

From time to time members of the public have complaints about the administration or procedures of a Parish, Town or Community Council. As Councils are not subject to the jurisdiction of the Local Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment of the position. For the benefit of good local administration it is suggested that these Councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to whom they have been made. The code set out below is recommended as a way of ensuring that complainants can feel satisfied that at the very least their grievance has been properly and fully considered. Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council. If the Council cannot settle a complaint it cannot refer the complaint to any other body for settlement but a complainant may well try to enlist the services of other bodies and provoke considerable expenditure of time and resources in responding to his further pressures. Councils are advised to adopt the Code before any complaints have been notified.

Code of Practice

1 If a complaint about procedures or administration is notified orally to a councillor or the clerk and it is not possible to satisfy the complainant fully forthwith the complainant shall be asked to put his complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.

2 If a complainant indicated that he would prefer not to put the complaint to the clerk he shall be advised to put it to the chairman.

3 On receipt of a written complaint the clerk or chairman, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the clerk or a councillor without first notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the clerk or chairman received a written complaint about his own actions he shall forthwith refer the complaint to the council.

4 The clerk or chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

5 The clerk or chairman shall bring any written complaint that cannot be settled to the next meeting of the Council and the clerk shall notify the complainant of the date on which the complaint will be considered.

6 The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.

7 As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

(This Circular was issued by the authority of the Council of the NALC in April 1986)