

WHITBY TOWN COUNCIL



STANDING ORDERS OF THE COUNCIL

Mr E N Birch - Town Clerk & Responsible Financial Officer

Mrs A Cowey - Deputy Clerk & Civic Officer

Revised October 2004

WHITBY TOWN COUNCIL
STANDING ORDERS

1. MEETINGS

- (1) In a year when ordinary elections of Councillors take place, the Annual Meeting of the Council shall be held on or within fourteen days after the day on which Councillors elected take office, but in any other year the Annual Meeting shall be held on such a day in May as the Council may determine annually.
- (2) In addition to the Annual Meeting of the Council and any meetings convened by the Town Mayor or by members of the Council, meetings for the transaction of general business shall be held on the first Tuesday in each month, unless the Council decides otherwise at a previous meeting.
- (3) The Annual Meeting and other meetings of the Council shall be held at 6.45 pm at Pannett Art Gallery, Pannett Park, Whitby unless the Council decides otherwise at a previous meeting. Meetings will finish by 9.30 pm and all unfinished business will be deferred until the next meeting.

2. TOWN MAYOR

- (1) The Town Mayor shall be elected annually by the Council from among the Councillors. Nominations to be received in time to be debated at the March Full Council. Unless he resigns or becomes disqualified, the Town Mayor shall continue in office until the election of his successor at the next Annual Meeting of the Council.
- (2) The election of the Town Mayor shall be the first business transacted at the Annual Meeting of the Council.

3. DEPUTY TOWN MAYOR

- (1) The Council shall, at the Annual Meeting, appoint a Deputy Town Mayor to hold office until immediately after the election of the Town Mayor at the next Annual Meeting of the Council. Nominations to be received in time to be debated at the March Full Council.
- (2) Anything authorised to be done by, to or before the Town Mayor may be done by, to or before the Deputy Town Mayor.

4. CHAIRMAN OF MEETING

Any power or duty of the Town Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:-

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing prejudicial interests.
- c) To receive and retain plans and documents.
- d) To sign notices and other documents on behalf of the Council.
- e) To receive copies of byelaws made by Scarborough Borough Council.
- f) 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, the Clerk.

6. QUORUM

If during any meeting of the Council the Town Mayor, after counting the number of members present, declares that there are not at least seven of the members present the meeting shall stand adjourned.

Consideration of any business not transacted shall be adjourned to a date fixed by the Town Mayor at the time the meeting is adjourned or, if he/she does not fix a date, to the next ordinary meeting of the Council.

7. ORDER OF BUSINESS

- (1) At each Annual Meeting the first business shall be:-
 - (a) To elect a Town Mayor.
 - (b) To receive the Town Mayor's declaration of acceptance of office.
 - (c) To elect a Deputy Town Mayor.
 - (d) To appoint committees and representatives.
- (2) Except as otherwise provided by para. (3) of this Standing Order, the order of business at every meeting of the Council shall be:-
 - (a) To choose a person to preside if the Town Mayor and Deputy Town Mayor be absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
 - (d) To deal with any business expressly required by statute to be done.
 - (e) To receive such communication as the Town Mayor or the Clerk may wish to lay before the Council.
 - (f) To dispose of business (if any) remaining from the last meeting.
 - (g) To receive and consider reports of committees.
 - (h) To answer questions asked under Standing Order No. 10.
 - (i) To consider motions in the order in which notice has been received.
 - (j) Other business, if any specified in the summons.

- (3) Business falling under items (a), (b) or (c) of para. (2) above shall not be displaced but, subject thereto, the foregoing order of business may be varied
 - (a) by the Town Mayor at his discretion, or
 - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion.

8. NOTICES OF MOTION

- (1) Except as provided by Standing Order 9, notice of every motion shall be given in writing, signed by two members of the Council giving the notice, and delivered not less than seven clear days before the next meeting of the Council at the office of the Clerk by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every member of the Council.
- (2) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Town.
- (3) The Clerk shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the members giving such notice intimated in writing when giving it that they proposed to move it at some later meeting or have since withdrawn it in writing.
- (4) If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (5) If the subject matter of any motion of which notice has been duly given comes within the province of any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or sub-committee or to such other committee or sub-committee as the Council may determine, for consideration and report provided that the Town Mayor may, if he/she considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward; And provided also that, when a motion stands referred to a committee or sub-committee under this Standing Order, the mover of the motion shall, when the report of the committee or sub-committee is submitted to the Council, retain his/her right to reply at the close of the debate.

9. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:-

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That the minutes be approved.
- (4) That an item of business specified in the summons has precedence.
- (5) Remission to a committee.
- (6) Appointment of a committee or members thereof occasioned by an item mentioned in the summons to the meeting.

- (7) Adoption of reports of committee and any consequent resolutions.
- (8) That leave be given to withdraw a motion.
- (9) Extending time limit for speeches.
- (10) Amendments to motions.
- (11) That the Council proceeds to the next business.
- (12) That the question be now put.
- (13) That the debate be now adjourned.
- (14) That the Council does now adjourn.
- (15) Suspending Standing Orders in accordance with Standing Order 43.
- (16) Motion under s.1(2) of the Public Bodies (Admission to Meetings) Act 1960, to exclude the public.
- (17) Inviting a member to remain under Standing Order 21.
- (18) That a member named under Standing Order 15 be not further heard or do leave the meeting.
- (19) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

10. QUESTIONS

- (1) A member of the Council may ask the Chairman of a Committee any question upon an item of the report of a Committee when that item is submitted to the Council for approval and adoption.
- (2) Except at the Annual Meeting of the Council, a member may:-
 - (a) if four clear days' notice in writing has been given to the Clerk, ask the Town Mayor or the Chairman of any Committee any question on any matter in relation to which the Council has powers or duties which affects the town;
 - (b) with the permission of the Town Mayor, put to him/her or the Chairman of any Committee any question relating to urgent business of which such notice has not been given – but a copy of any such question shall be delivered to the Clerk not later than 12 noon on the day of the meeting.
- (3) Every question shall be put and answered with out discussion, but the person to whom a question has been put may decline to answer.
- (4) An answer may take the form of:-
 - (a) a direct oral answer; or,
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or,
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to all members of the Council.

11. MINUTES

- (1) The Town Mayor shall put the motion that the minutes of the meeting of the council held on the day of be approved as a correct record.
- (2) No discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised, then as soon as it has been disposed of, the Town Mayor shall sign the minutes.

12. RULES OF DEBATE

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 9 it shall, if required by the Town Mayor, be put in writing, and handed to the Town Mayor before it is further discussed or put to the meeting.
- (2) A member, when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- (3) A member when speaking shall stand and address the Town Mayor. Permission to speak shall be sought by a show of hands. While a member is speaking the other members shall remain seated, unless rising to a point of order or in a personal explanation.
- (4) A member shall direct his/her speech to the matter under discussion or to a point of order or to a personal explanation. No speech shall exceed **THREE** minutes except by consent of the Council.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of the debate except:-
 - (a) to speak **ONCE** on an amendment moved by another member;
 - (b) if the motion has been amended since he/she last spoke, to move a further amendment;
 - (c) if his/her speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
 - (d) in exercise of a right of reply given by para. (11) or (13) of this Standing Order;
 - (e) on a point of order contravening any Standing Order;
 - (f) by way of personal explanation;
 - (g) to move a motion set out in para. (12) hereof (other than a motion set out in sub-para. (d) or (e) of para. (12)) but not otherwise to speak thereon.
- (6) An amendment shall be **RELEVANT** to the motion and shall be either:-
 - (a) to refer a subject of debate to a committee for consideration or re-consideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;

but such omission, insertion or addition or words shall not have the effect of negating the motion before the Council.
- (7) The Town Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business. When the voting is taken, the last amendment should be taken first.

- (8) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (9) A member may with the consent of the Council signified without discussion:
- (a) alter a motion of which he/she has given notice; or
 - (b) with the further consent of his/her seconder, alter a motion which he/she has moved;

If (in either case) the alteration is one which could be made as an amendment thereto.

- (10) A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- (11) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of an amendment shall have no right to reply to the debate on the amendment.
- (12) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question now be put;
 - (f) that a member named be not further heard;
 - (g) that a member named do leave the meeting;
 - (h) to exclude the public and press.
- (13) A member may move without comment at the conclusion of a speech of another member, “that the Council proceed to the next business”, “that the question be now put”, “that the debate be now adjourned” or, “that the Council do now adjourn”, on the seconding of which the Town Mayor shall proceed as follows:
- (a) on a motion to proceed to the next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business;
 - (b) on a motion that the question now be put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put and, if it is passed, then give the mover of the original motion his/her right to reply under para. (11) of this Standing Order before putting his/her motion to the vote;
 - (c) on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the

adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion: provided that a member may not move “that the Council proceed to the next business” or “that the question be now put” if he/she has spoken on the motion under debate.

- (14) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (15) The ruling of the Town Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (16) Whenever the Town Mayor rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.

13. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council to which the public (including the press) are admitted as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the public and press have been excluded by resolution, unless the Council otherwise resolves.

14. TITLES OF MEMBERS OF THE COUNCIL TO BE USED

Members of the Council shall speak to each other in the Council during the transaction of business by their respective titles of “Town Mayor”, “Deputy Town Mayor” or “Councillor” as the case may be.

15. DISORDERLY CONDUCT

- (1) If at a meeting any member of the Council, in the opinion of the Town Mayor notified to the Council, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Town Mayor or any other member may move “that the member be not further heard” and the motion, if seconded, shall be put and determined without discussion.
- (2) If the member named continues his/her misconduct after a motion under the foregoing paragraph has been carried, the Town Mayor shall either move “that the member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.
- (3) In the event of general disturbance which in the opinion of the Town Mayor renders the due and orderly dispatch of business impossible, the Town Mayor in addition to any other person vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

16. DISTURBANCE BY A MEMBER OF THE PUBLIC

If a member of the public interrupts the proceedings of any meeting, the Town Mayor shall warn him/her. If he/she continues the interruption, the Town Mayor shall order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Town Mayor shall order that part to be cleared.

17. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bears the names of at least six members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any members to propose a similar motion within a further period of six months; provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

18. VOTING

The mode of voting at meetings of the Council shall be by show of hands, except where two members call for a ballot, which must be agreed by a majority of the Council. On the requisition of any member of the Council made before the vote is taken the voting on any question shall be recorded so as to show whether each member present gave his vote for or against the question or abstained from voting.

19. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a 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 shall be taken, and so on until a majority of votes is given in favour of one person.

20. RECORD OF ATTENDANCES

Every member of the Council attending a meeting of the Council or of any of its committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose; and every member attending some other meeting, conference or inspection on approved duty shall sign his/her name in the register kept for the purpose.

21. INTERESTS

Members should be guided by the Council's Code of Conduct adopted on the 4th September 2007.

If after the public has been excluded from the meeting pursuant to the passing of a resolution under the Public Bodies (Admission to Meetings) Act, 1960 then any member disclosing a prejudicial interest shall in any case withdraw from the meeting.

The 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 prejudicial interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

22. CANVASSING OR AND RECOMMENDATIONS BY MEMBERS

- (1) Canvassing of members of the Council or any committee or sub-committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. This shall be included in every advertisement inviting applications for appointment or in any form of application.
- (2) A member of the Council shall not solicit for any person any appointment under the Council but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (3) Standing Order Nos 22 and 23 shall apply to tenders as if the person making the tender were a candidate for an appointment.

23. RELATIVES OF MEMBERS OR OFFICERS

- (1) A candidate for any appointment under the Council who knows that he/she is related to any member or senior officer of the Council shall when making application disclose that relationship to the Clerk. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable for dismissal without notice. Every member and senior officer shall disclose to the Clerk any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council. The Clerk shall report to the Council or to the appropriate committee any such disclosures made to him/her.
- (2) The purport of this Standing Order shall be included in any form of application.
- (3) For the purpose of this Standing Order, "senior officer" means any officer under the Council so designated by the Council and persons shall be deemed to be related if they are spouse/partner or son or daughter or grandson or granddaughter or brother or sister or nephew or niece.

24. STAFF ESTABLISHMENT AND FILLING OF VACANCIES

- (1) The Council shall from time to time after consultation with any committee primarily concerned determine the establishment of the Council. No new office shall be created, nor any person be employed in addition to the establishment except with the agreement of the Council.
- (2) All vacancies to be filled in offices under the Council not being at a weekly wage, unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Council otherwise determines.

Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Council, the Council may appoint one of the former applicants.

- (3) When a vacancy occurs in any existing office the Council shall decide whether the office is necessary; and, in any case, what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.

- (4) Where a standing deputy has been appointed the Council may, if they think fit, appoint and fix a remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

25. SEALING OF DOCUMENTS

- (1) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (2) Any two members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.

26. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Clerk unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

27. INSPECTION OF DOCUMENTS

- (1) A member of the Council may, for purposes of his/her duty but not otherwise, on application to the Clerk inspect any document which has been considered by a committee or by the Council and, if copies are available, shall on request be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he has directly or indirectly any prejudicial interest within the meaning of s.94 of the Local Government Act, 1972 and that this Standing Order shall not preclude the Clerk or the Solicitor to the Council from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of Solicitor and client.
- (2) All reports made or minutes kept by any committee shall, as soon as the committee has concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Council.

28. INSPECTION OF LAND, PREMISES, ETC

Unless specifically authorised to do so by the Council or a committee a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

29. APPOINTMENT OF COMMITTEES

The Council shall, at the Annual Meeting, appoint such committees as they are required to appoint by or under any statute or under Standing Order 31 and may at any time appoint such other committee as are necessary to carry out the work of the Council, but subject to any statutory provision in that behalf

- (1) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting of the Council;

- (2) may at any time dissolve a committee or alter its membership.

30. PROCEEDINGS OF COMMITTEES TO BE CONFIDENTIAL

- (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.
- (2) Any member in breach of the provisions of para. (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

31. CONSTITUTION OF COMMITTEES

- (1) The following committee shall be a standing committee of the Council and shall consist of the number of members specified opposite:-

Pannett Art Gallery & Whitby Museum Joint Management (with 6 members of Whitby Literary and Philosophical Society)	9 members
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Other committees and sub-committees will be appointed as appropriate and when the need arises and by decision of the Council.

- (2) Except where otherwise provided by statute or a scheme made under a statutory authority, the Town Mayor shall be ex-officio a member of every standing committee appointed by the Council.

32. ELECTION OF CHAIRMAN OF COMMITTEE

Every committee shall, at its first meeting, before proceeding to any other business, elect a Chairman for the year where not previously elected at the Annual Meeting and may at any time elect a Vice-Chairman. In the absence from a meeting of the Chairman (and Vice-Chairman) a Chairman for that meeting may be appointed.

33. SPECIAL MEETINGS OF COMMITTEES

The Chairman of a committee or the Town Mayor may call a special meeting of a committee at any time. A special meeting shall also be called on the requisition of one third of the whole number of a committee, delivered in writing to the Clerk but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

34. SUB-COMMITTEES

- (1) Every committee appointed by the Council may appoint sub-committees for purposes to be specified by the committee.
- (2) The Chairman of the committee shall be ex-officio member of every sub-committee appointed by that committee, unless he/she signified to the committee that he/she does not wish to serve.

35. QUORUM OF COMMITTEES AND SUB-COMMITTEES

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least one third of the whole number of the committee is present. Provided that in no case shall the quorum of a committee be less than three members.
- (2) Except as aforesaid or otherwise ordered by the committee of which has appointed it, business shall not be transacted at a meeting of a sub-committee unless at least one quarter of the whole number of the sub-committee is present. Provided that in no case shall the quorum of a sub-committee be less than three members.

36. VOTING IN COMMITTEES OR SUB-COMMITTEES

- (1) The person presiding at a meeting of a committee shall have a second or casting vote.
- (2) Voting at a meeting of a committee or sub-committee shall be by show of hands subject to Standing Order No. 18.

37. STANDING ORDERS APPLY TO COMMITTEES AND SUB-COMMITTEES

Standing Orders 12 (except those parts which relate to standing and speaking more than once), 13, 14, 15, 16, 19, 20 and 21 shall with any necessary modifications, apply to meetings of committees and sub-committees.

38. MOVER OF MOTION MAY ATTEND COMMITTEE OR SUB-COMMITTEE

A member of the Council who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

39. ACCOUNTS

- (1) Except as provided in para. (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (2) Where it is necessary to make a payment before it has been authorised by the council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the Town Mayor.
- (3) All payments ratified under sub-para. (2) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

40. ESTIMATES

Every committee which may from time to time be constituted having power to incur expenditure defrayed out of the precept shall submit to the Council, on request, an estimate, in a form approved by the Council, of the proposed expenditure to be recommended by such committee for the ensuing year in sufficient time for the Council to precept a rate on the Borough Council. A committee shall before incurring any expenditure not included in an approved estimate submit to the Council a supplementary estimate accompanied by a detailed statement in support of the expenditure.

41. CONTRACTS

- (1) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice or meetings of the Council is given.

Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by Scarborough Borough Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.

- (2) 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.
- (3) Tenders shall be opened by the Clerks in the presence of at least one member of the council on the date specified pursuant to para (2) of this order and shall be reported by the person who opened to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee. All tenders to remain confidential until presented to Council.
- (4) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender.
- (5) 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 they think fit.
- (6) A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders Nos 22 and 23.

42. VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

43. SUSPENSION OF STANDING ORDERS

- (1) Subject to para. (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e., under Standing Order 9) unless there shall be present at least one half of the whole number of the members of the Council.

44. STANDING ORDERS TO BE GIVEN TO MEMBERS

A printed copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council shall be given to each member of the Council by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office on the member being first elected to the Council.

45. INTERPRETATION OF STANDING ORDERS

Whether or not the Council has passed any Standing Orders, the Town Mayor's procedural authority is derived from the Council as a whole and an individual councillor must obey his/her rulings because they are the rulings of the Council itself. It follows from this, however, that the Town Mayor cannot overrule the Council and that a councillor who is dissatisfied by the Town Mayor's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.

The authority of the Town Mayor, as such, is limited to matters of procedure and neither increases nor decreases his/her right (in comparison with other members) to discuss the merits of a particular case. It is one of his/her most difficult tasks to remember that, while the Chair gives him/her authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

46. PUBLIC SPEAKING SCHEME AT MEETINGS

- (1) All Council/Committee agendas should suspend Standing Orders for 15 minutes to allow members of the public to ask questions or make statements (limited to 3 minutes per person).
- (2) Where possible all speakers book in advance of the meeting – booked speakers take president over any who turn up on the night – any questions would be answered by letter in due course.
- (3) The rules and procedures regarding public participation to be explained at every meeting where public speaking is to take place.