

WIRKSWORTH TOWN COUNCIL

STANDING ORDERS

SO 1 Meetings of the Council

- a. The Annual Meeting of the Council shall be held in the Town Hall, Wirksworth, on the third Monday of May in every year, providing this is on or within 14 days following the day on which the councillors elected take office.
- b. The other meetings of the Council shall be held in the Town Hall, Wirksworth, on the third Monday of every month in the year except August (when the Town Council does not meet)
- c. The Annual Meeting and other meetings of the Council for the transaction of general business shall be held at 6.30 p.m. or as requested by the Town Council.

SO 2 Election of Mayor and Deputy Mayor

- a. The Council shall, at the Annual Meeting, appoint a Mayor and Deputy Mayor.

SO 3 Presiding Member at Meeting

- a. The Mayor shall preside at any meeting of the Council, unless he is absent, when the Deputy Mayor shall preside. If both are absent, a presiding Member shall be chosen in accordance with Standing Order 5. Whether the Mayor, the Deputy Mayor or such presiding Member chosen in accordance with Standing Order 5 shall preside, he/she is hereinafter called the Chairperson and has all powers and duties hereinafter accorded to him/her in relation to the conduct of any meeting.

SO 4 Quorum

- a. If, during any meeting of the Council, the Chairperson, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. Six shall constitute a quorum.
- b. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairperson at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

SO 5 Order of Business

- a. Except as otherwise provided by paragraph b. of this Standing Order, the order of business at every meeting of the Council shall be:-
 - I. To choose a Member to preside if the Mayor and Deputy be absent;
 - II. To deal with any business required by statute to be done before any other business;
 - III. To include an open forum for members of the public on both agenda'd and non-agenda'd items, and for Councillors with a prejudicial interest on items to be considered.
 - IV. To approve as a correct record and sign the minutes of the last meeting of the Council;
 - V. To deal with any business expressly required by statute to be done;

- VI. Chairperson's announcements;
- VII. To dispose of business (if any) remaining from the last meeting;
- VIII. To receive and consider reports; minutes and recommendations of committees and sub-committees;
- IX. To receive such communications as the Chairperson may desire to lay before the Council;
- X. To receive and consider reports from officers of the Council;
- XI. To answer questions asked under Standing Order 8;
- XII. To authorise the execution of documents;
- XIII. To consider motions in the order in which notice has been received;

- b. Business falling under items I, II or III of paragraph a. shall not be displaced, but, subject hereto, the foregoing order of business may be varied:-
 - I. by the Chairperson at his/her discretion;
 - II. 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.

SO 6 Notices of Motion

- a. Notice of every motion other than a motion which, under Standing Order 7, may be moved without notice, shall be given in writing, signed by the Member or the Members of the Council giving the notice, and delivered by 12 noon on the Monday previous to the next meeting of the Council, at the office of the Clerk of the Council, by whom it should 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.
- b. The Clerk of the Council shall set out in the summons for every meeting of the Council, all motions of which notice has been given, in the order in which they have been received, unless the Member giving such notice, intimated in writing when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing.
- c. 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.
- d. Every motion shall be relevant to some matter in relation to which the Council has powers or duties, or which affects the district.

SO 7 Motions and Amendments which may be moved without notice

- a. The following motions and amendments may be moved without notice:-
 - I. Appointment of a Chairperson of the meeting at which the motion is made;
 - II. Motions relating to the accuracy of the minutes;

- III. That an item of business specified in the summons has precedence;
- IV. Appointment of a sub-committee or members thereof, occasioned by an item mentioned in the summons to the meeting;
- V. Adoption of reports and recommendations of sub-committees or officers, and any consequent resolutions;
- VI. That leave be given to withdraw a motion;
- VII. Extending the time limit for speeches;
- VIII. Amendments to motions;
- IX. That the Council proceed to the next business;
- X. That the question be now put;
- XI. That the debate be now adjourned;
- XII. That the Council do now adjourn;
- XIII. Authorising the execution of documents;
- XIV. Suspending Standing Orders in accordance with Standing Order 33;
- XV. Motions under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 to exclude the public and press;
- XVI. That a member named under Standing Order 12 be not further heard, or do leave the meeting;
- XVII. Giving consent of the Council where consent of the Council is required by these Standing Orders.

SO 8 Questions

- a. A Member of the Council may ask the Chairperson any question upon an item of the report of a sub-committee when that item is under consideration by the Council;
- b. A Member of the Council may:-
 - I. If two clear days' notice in writing has been given to the Clerk of the Council, ask the Chairperson any questions on any matter in relation to which the Council has powers or duties, or which affect the district;
 - II. With the permission of the Chairperson put to him/her any question relating to urgent business of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Clerk of the Council not later than 12 noon on the Friday previous to the meeting.
- c. Every question shall be put and answered without discussion but the Chairperson may decline to answer.
- d. An answer may take the form of:-
 - I. direct oral answer; or

- II. where the desired information is contained in a publication of the Council, a reference to that publication; or
- III. where the reply to the question cannot conveniently be given orally, a written answer circulated to the Members of the Council.

SO 9 Minutes

- a. The Chairperson shall put the question that the minutes of the Council held on the day of be approved as a correct record.
- b. 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 Chairperson shall sign the minutes.

SO 10 Rules of Debate for Council Meetings

- a. 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 SO 6, it shall, if required by the Chairperson, be put into writing and handed to the Chairperson before it is further discussed or put to the meeting.
- b. A Member when seconding a motion or amendment may, if he then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- c. A Member, when speaking, shall address the Chairperson. If two or more Members commence speaking, the Chairperson shall determine the order of speaking. While a Member is speaking, the other Members shall remain seated and silent, unless raising a point of order or in personal explanation.
- d. A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed ten minutes except by the consent of the Council.
- e. A Member who has spoken on any motion shall not speak again while it is the subject of debate except:-
 - I. To speak once on an amendment moved by another Member;
 - II. If the motion has been amended since he/she last spoke, to move a further amendment;
 - III. If his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/her spoke was carried;
 - IV. In exercise of a right of reply by paragraph 11 or 13 of this Standing Order;
 - V. On a point of order;
 - VI. By way of personal explanation.
- f. An amendment shall be relevant to the motion and shall be either:-
 - I. To refer a subject of debate to a Committee or Sub-committee for consideration or re-consideration;
 - II. To leave out words;
 - III. To leave out words and to insert or leave out others;

IV. To insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

- g. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendments under discussion have been disposed of. [Provided that the Chairperson 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].
- h. 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 amendments may be moved.
- i. A Member may, with the consent of the Council signified, without discussion:-
 - I. alter a motion of which he/she has given notice; or
 - II. 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.
- j. 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 until after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- k. The mover of a motion has a right of 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 the amendment shall have no right of reply to the debate on his amendment.
- l. When a motion is under debate, no other motion shall be moved except the following:-
 - I. To amend the motion;
 - II. To adjourn the meeting;
 - III. To adjourn the debate;
 - IV. To proceed to the next business;
 - V. That the question be now put;
 - VI. That a Member be not further heard;
 - VII. By the Chairperson under Standing Order 12.2, that a Member leave the meeting;
 - VIII. A motion under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, to exclude the public.
- m. 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 Chairperson shall proceed as follows:-

- I. 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.
- II. On a motion that the question be now put:
if, in his/her opinion, the matter before the meeting has been sufficiently discussed, he/she shall first put to the vote that the question be now put, and if it is passed, then give the mover of the original motion his/her right of reply under paragraph 11 of this Standing Order before putting his/her motion to the vote.;
- III. On a motion to adjourn the debate or meeting:
If, in his/her opinion, the matter before the meeting has not been sufficiently discussed and cannot 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 right to reply on that occasion.

- n. 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 or statutory provision 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 in the present debate.
- o. The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- p. Whenever the Chairperson speaks during the debate other Members of the Council shall be silent.

SO 11 Motions Affecting Persons Employed by the Council

- a. If any question arises at a meeting of the Council (or of a Committee thereof) to which the Public Bodies (Admission to Meetings) Act 1960, applies by virtue of Section 2(1) 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 questions shall not be the subject of discussion until the Council. or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 shall be exercised.

SO 12 Disorderly Conduct

- a. If, at a meeting, any Member of the Council, in the opinion of the Chairperson notified to the Council, misconducts him/herself by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Chairperson or any other Member may move; "That the Member named be not further heard", and the motion, if seconded, shall be put and determined without discussion.
- b. If the Member named continues his misconduct after a motion under the foregoing paragraph has been carried, the Chairperson shall:-

EITHER move: "That the Member named leave the meeting". (In which case the motion shall be put and determined without discussion);

OR adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

- c. In the event of general disturbance which in the opinion of the Chairperson renders the due and orderly dispatch of business impossible, the Chairperson, in addition to any other power 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.

SO 13 Disturbance by Members of the Public

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

SO 14 Rescission of Preceding Resolution

- a. No motion to rescind any resolution passed within the preceding six months, and no motion to amend 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 6 bears the name of at least four Members of the Council. When any such motion has been disposed of by the Council, it shall not be open to any Member 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.

SO 15 Voting

- a. The mode of voting at meetings of the Council shall be by show of hands, provided that on the requisition of any Member of the Council, the voting of any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his/her vote. The name of any Member present and not voting shall also be recorded.

SO 16 Voting on Appointments

- a. 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 clear 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 clear majority of votes is given in favour of one person.

SO 17 Record of Attendances

- a. Every Member of the Council attending a meeting of the Council or any of its Committees of which he/she is a Member, shall sign his/her name in the attendance book, where the Chairperson considers provision of such attendance book to be necessary.

SO 18 Interests of Members in Contracts and Other Matters

- a. At all meetings of the council, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 1 October 2007 shall apply to members of the council in respect of the entire meeting. Where, however, members of the council exercise their rights pursuant to SO 18b, below, members of

the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.

- b. At all meetings of the Council, the Chairman may permit members of the council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 1 October 2007 shall apply to members of the council in respect of the entire meeting.
- c. The Council will allocate a fixed period of time for the public and councillors to address the meeting under the terms of SO 18 (a) and (b).

SO 19 Interest of Officers in Contracts

- a. The Clerk of the Council shall record in a book kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972 of any pecuniary interest in the contract and the book shall be open during office hours to the inspection of any Member of the Council.

SO 20 Canvassing of and Recommendations by Members

- a. Canvassing of any Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments.
- b. 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.

SO 21 Relatives of Members and Officers

- a. A candidate for any appointment under the Council who knows he/she is related to any Member or senior officer of the Council shall, when making the application, disclose that relationship to the Clerk of the Council. A candidate who fails to disclose such a relationship shall be disqualified for the appointment, and if appointed, shall be liable to dismissal without notice. Every Member and senior officer of the Council shall disclose to the Clerk of the Council any relationship known to exist between him/herself and the person he/she knows is a candidate for an appointment under the Council. The Clerk of the Council shall report to the Council or to the appropriate Committee any such disclosure made to him/her.
- b. The purport of this Standing Order shall be included in every advertisement inviting applications for appointments.
- c. 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 husband and wife or if either of them, or the spouse of either of them, is the son or daughter, or grandson or granddaughter, or brother or sister, or nephew or niece of the other, or of the spouse of the other.

SO 22 Staff Establishments and Filling Vacancies

- a. The Council shall determine the establishment of every department of the Council. No new office shall be created nor any person employed in addition to a department's establishment, except with the agreement of the Council.

- b. 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.
- c. Where a standing deputy has not been appointed, the Council may, if they think fit, appoint and fix the remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

SO 23 Permanent Committees

- a. The permanent committees of the Council shall be:-

Quarries Liaison Committee

- I. Membership shall be:
 - o Three representatives of the management of Tarmac Quarry Products and one member of the workforce;
 - o Three representatives of the management of OMYA Croxton + Garry and one member of the workforce;
 - o One representative of Derbyshire County Council;
 - o Three representatives of Wirksworth Town Council;
 - o Two representatives of Middleton Parish Council and one representative of the Middleton Resident's Association appointed by the Middleton Parish Council;
 - o One representative of Steeple Grange and Cromford Road Residents Association.
- II. The committee shall have the power to co-opt further members.
- III. The Officers to attend the Committee shall be:
 - The Clerk of the Council;
 - The Pollution Control Officer of Derbyshire Dales District Council;
- IV. Proceedings of the meeting shall be confidential.
- V. Meetings shall be held every four months when necessary.
- VI. The Chairmanship of the committee shall be held permanently by the Chairperson of the Wirksworth Town Council or his/her delegate.

Planning and Environmental Affairs Committee

- I. Membership shall be a minimum of 5 members of the Council, including the Town Mayor and Deputy Mayor. In the event of the Mayor or Deputy being also a member of the Derbyshire Dales District Council he/she will attend without voting powers on planning applications;
- II. The officer to attend the meeting shall be the Clerk to the Council.
- III. Meetings shall be held on the first Monday of each month unless the Chairperson deems it expedient to call a special meeting.

IV. The Chair, Mayor and Deputy Mayor shall be granted delegated powers to make representations on planning applications which are deemed to be urgent and cannot wait until the next meeting of the Planning & Environmental Affairs Committee.

V. That the terms of reference of the Planning and Environmental Affairs Committee shall be:

- Planning applications
- Development of conservation areas
- General improvement areas
- Transportation
- Maintenance of highways and footpaths
- Environmental affairs

Town and Finance Committee

I. Membership shall be a minimum of 5 members of the Council including the Mayor and Deputy Mayor,

II. The officer to attend the meeting shall be the Clerk to the Council

III. Meetings shall be held on the second Monday of the month

IV. Terms of reference of the Town and Finance Committee shall be:

- All financial matters
- The maintenance and contents of buildings
- Supervision and employment of staff
- Development of the economic and cultural life of the town

SO 24 Execution of Documents

- a. No document shall be executed on behalf of the Council unless the execution has been authorised by a resolution of the Council, but a resolution of the Council authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for the execution of any document necessary to give effect to the resolution.
- b. The execution of any document shall be by the Mayor and Deputy Mayor of the Council or any other two Members of the Council and an entry of every document executed on behalf of, the Council shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the persons who have executed the document.

SO 25 Authentication of Documents for Legal Proceedings

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

SO 26 Inspection of Documents

- a. A Member of the Council may, for purposes of his duty as such a Member, but not otherwise, on application to the Clerk of the Council, 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 document.

- b. A Member shall not knowingly inspect, and shall not call for a copy, of any document relating to a matter in which he is professionally interested, or in which he/she has, directly or indirectly, any pecuniary interest within the meaning of Sections 94-98 of the Local Government Act 1972, and this Standing Order shall not preclude the Clerk of 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.
- c. All reports made, and minutes kept, by any committee or sub-committee shall, as soon as the committee or sub-committee has concluded actions on the matter to which such reports or minutes relate, be open for the inspection of any Member of the Council.

SO 27 Inspection of Lands, Premises, etc.

- a. Unless specifically authorised to do so by the Council, 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 have power or duty to inspect or enter.

SO 28 Proceedings of Committees to be Confidential

- a. All agenda, reports and other documents shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

SO 29 Quorum of Committees and Sub-Committees

- a. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of a committee of the Council unless three members of the committee are present.
- b. Except as aforesaid or otherwise ordered by the Council, business shall not be transacted at a meeting of a sub-committee unless at least 5 members of the sub-committee are present.

SO 30 Voting in Committees and Sub-committees

- a. Voting at a meeting of a committee or sub-committee shall be by a show of hands.

SO 31 Standing Orders to Apply to Committees and Sub-committees

- a. The Standing Order of the Council headed "Rules for Debate", (except those parts which relate to speaking more than once), and the Standing Order headed "Interest of Members in Contracts and Other Matters", shall, with any necessary modification, apply to Committee and Sub-committee meetings.

SO 32 Variation and Revocation of Standing Orders

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

SO 33 Suspension of Standing Orders

- a. Subject to paragraph 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.

- b. A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order No. 7), unless there shall be present at least six Members of the Council.

SO 34 Standing Orders to be given to Members

- a. A copy of these Standing Orders shall be given to each Member of the Council by the Clerk of the Council upon delivery to him/her of the Member's Declaration of Acceptance of Office on the Members being first elected to the Council.

SO 35 Mover of Motion may attend Sub-committees

- a. A Member of the Council who has moved a motion which has been referred to any Committee, shall have notice of the 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, but he/she shall not be allowed to vote, unless he/she him/herself is a Member of the Committee.

SO 36 Interpretation of Standing Orders

- a. The ruling of the Chairperson as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

WIRKSWORTH TOWN COUNCIL

STANDING ORDERS WITH RESPECT TO CONTRACTS

C1 Except as hereinafter provided, every contract made by the Council shall comply with these Standing Orders and no exceptions to any of the following provisions shall be made otherwise than:-

- a. by direction of the Council; or
- b. By the directives of the European Economic Community which affect public sector contracts; or
- c. By the acceptance of the Council of advice given by a government department or amendments to selection or tendering procedures for public sector contracts.

C2 Where a proposed contract does not exceed £5,000.00 in value or amount, the Council may use its discretion to place the contract with such persons it considers competent for the purpose and, where practicable, alternative quotations shall be invited before entering on such a contract.

C3 (A) Contracts of an amount or value exceeding £5,000.00 and not exceeding £10,000.00 for the supply of goods or materials or the execution of any works shall not be made unless:-

- a. At least 10 days public notice stating the nature and purpose of the contract, inviting tenders for its execution, and stating the last date when tenders will be received, has been given in one or more local newspapers circulating in the district and also in such trade journals (if any) as the appropriate officer may consider desirable; and
- b. Tenders have been invited by the Clerk of the Council from not less than three persons capable of supply the goods or materials, or executing the work, at least one of which persons shall, wherever practicable, be a local contractor.

(B) Where a proposed contract for the execution of the work exceeds £10,000.00 in value the Standing Orders relating to contracts of Derbyshire Dales District Council shall be followed by the Council.

C4 Where, in pursuance of Standing Order No C3, public invitation to tender is given, and persons are invited to tender, every notice of such invitation, or the conditions of tender shall state:-

- a. The closing date and time for receipt of tenders and the department address from which tender forms can be obtained;
- b. That no tender will be accepted unless it is enclosed in the special envelope bearing the distinctive label which will be supplied with the tender forms by the issuing department;
- c. The tender envelope will be properly sealed and addressed to the Clerk;
- d. That proof of posting will not be accepted as proof of delivery if before the closing date and time fixed for the receipt of that tender; and
- e. That no name mark or wording which might indicate the tender should appear on the special envelope bearing the tender. Tender envelopes shall remain in the custody of the Clerk until the time appointed for their opening. Tenders shall be opened at one time, which shall be after the closing date and time fixed for the receipt of such tenders and only in the presence of the Council or of the Clerk and a sub-committee of the Council formed for that purpose who shall certify the list of tenders received;
- f. That failure to comply with any of the foregoing requirements shall disqualify a tender.

C5 No tenders received after the fixed date and time shall be considered.

C6 Persons tendering shall not be allowed to alter their tenders after the date fixed for the receipt thereof, except that arithmetical errors may be corrected as required by the tenderer before the tenders are considered by the Council.

C7 It shall be clearly stated on all documents of tender that the Council do not bind themselves to accept the lowest of any tender. A tender other than the lowest, if payment is to be made by the Council, or the highest if payment is to be received by the Council, shall only be accepted after the Council has received a written report on the matter from the Clerk.

C8 Where a tender does not exceed £10,000.00 in value or amount, and where it has been received in accordance with Standing Order No C4, it may be accepted without prejudice to any other method of acceptance decided upon by the Council, by the Clerk on the authority of the Council.

C9 It shall be a condition of the engagement of the services of any architect or engineer, surveyor or other consultant, (not being an officer of the Council), who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to the contract he/she shall:-

- a. Comply with these Standing Orders as though he were a Chief Officer, subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the Clerk;
- b. At any time during the carrying out of the contract, produce to the Clerk on request, all the records maintained by him in relation to the contract; and
- c. On completion of a contract, transmit all such records to the Clerk.

C10 Every contract shall be in writing and where it exceeds £5,000.00 in value or amount, shall be prepared or approved by the Clerk. Every contract shall specify the goods or materials to be supplied or the work to be executed, the price to be paid, with a statement of discounts or other deductions, and the time or times within which the contract is to be performed.

Every contract which exceeds £5,000.00 for the execution of work shall provide for liquidated damages to be paid by the contractor in case any of the terms of the contract are not duly performed by him.

C11 Where an appropriate British Standard Specification, British Standard Code of Practice issued by the British Standards Institution, or Government Departmental Specification, or European Union Specification is current at the date of tender, every contract shall require that, as the case maybe, all goods or materials supplied and all workmanship shall at least be in accordance with that specification or Code of Practice.

C12 In any contract for the execution of any work or for the supply of goods or materials the contractor shall be required to indemnify the Council against:-

- a. Any claim which may be made in respect of Employer's Liability against the Council or the contractor or any sub-contractor in the execution of the contract;

- b. Any claim for injury to, or damage to, property of third parties; and the contractor shall, when required by the Clerk, produce satisfactory evidence that he is insured against such a claim.

C13 In every written contract, a clause shall be inserted to secure that the Council shall be entitled to terminate the contract and to recover from the contractor the amount of any loss resulting from such termination, if the contractor shall have offered, or given, or agreed to give, to any person, any gift or consideration of any kind as an inducement of reward for doing or forbearing to do, or having done or forborne to do, any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract, or any other contract with the Council; or, if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, the contractor or any persons employed by him, or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts, 1889 to 1916, or shall have given any fee or reward, the receipt of which, is an offence under sub-section 2 of section 117, of the Local Government Act, 1972.

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