

FALMOUTH & TRURO PORT HEALTH AUTHORITY



STANDING ORDERS

AND

FINANCIAL REGULATIONS

REVIEWED MARCH 2008

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PROCEEDINGS OF THE AUTHORITY

1. Membership of the Authority

In accordance with the Falmouth & Truro Port Health Authority (Amendment) Order dated 31st January 2001, the Authority shall consist of 12 members appointed by the constituent District Councils, with 8 members from Carrick District Council and 4 members from Kerrier District Council.

2. Meetings of the Authority

The Authority shall meet at least three times a year, the Annual Meeting shall be held no later than 30th June.

3. Chairman of the Meeting

Any power of duty assigned to or conferred upon the Chairman for the conduct of the meeting may be exercised by the person presiding at the meeting. The Chairman and Vice Chairman shall be elected under the first item of business at the Authority's Annual General Meeting and shall remain in office until a replacement is elected at the next Annual General Meeting.

4. Order of Business

(i) Except as otherwise provided by part (ii) of this Standing Order, the agenda at every meeting of the Authority shall include the following:

- (a) To choose a person to preside if the Chairman is absent;
- (b) To deal with any business required by statute to be done before any other business;
- (c) To receive and approve as correct the Minutes of the last meeting of the Authority;
- (d) To deal with business expressly required by statute to be done;
- (e) To receive official announcements, communications and reports from the Clerk;
- (f) To receive and consider minutes or reports of Committees;
- (g) To receive reports from the Chief Port Health Officer.
- (h) To consider notices of motion in the order in which they have been received;
- (i) To authorise the sealing of documents, so far as the Authority is required by statute or these Standing Orders.

(ii) The Authority may at any meeting vary the order of business so as to give precedence to any business which, in the opinion of the Chairman, is of a special urgency, but such variation shall not displace business falling under items (a), (b) and (c) in part (i) of this Standing Order.

5. Notices of Motion

Except as provided by Standing Order No. 6, every Notice of Motion shall be in writing, signed by the member or members of the Authority giving the notice, and delivered at least five clear days before the next meeting of the Authority, at the office of the Chief Port Health & Executive Officer, acting as Clerk, by whom it shall be dated, numbered in the order in which it is received, and recorded in a manner which shall be open to inspection of every member of the Authority. The Chief Port Health & Executive Officer, acting as Clerk shall, if required, advise any member on the form and legality of any Notice of Motion.

The Chief Port Health & Executive Officer, acting as Clerk shall insert in the Summons for every meeting of the Authority all notices of motion duly given in the order in which they have been received, unless the member giving such notice has, when giving it, intimated in writing that he proposes to move it at some later meeting or has withdrawn it in writing.

If a motion, notice of which is thus specified in the summons, be not moved, it shall, unless postponed by consent of the Authority, be treated as abandoned and shall not be moved without fresh notice.

6. Motions which may be moved without notice

Motions relating to the conduct and procedure of the meetings of the Authority or to items otherwise specifically mentioned or referred to in the Summons to the meeting.

7. Confirmation of Committee Proceedings

The Confirmation of the proceedings, resolutions and reports of any Committee or Working Party shall be moved by the Chairman or some member of the Committee.

8. Disorderly Conduct

If, at a meeting any member of the Authority, in the opinion of the Chairman notified to the Authority, misconducts himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, it shall be competent for a member to move "That the member named be not further heard" or "That the member named do leave the meeting" and the motion, if seconded, shall be put and determined without discussion.

9. Suspension of Sitting

If after a motion under the foregoing Standing Order has been carried, the misconduct or obstruction is continued and in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman, in addition to any powers vested in him, may without question, put, adjourn or suspend the sitting of the Authority for such a period as he in his discretion shall consider expedient.

10. Matter twice decided to be binding for the current six months

No matter which, within any six month period, has been twice decided by the Authority in the same way, shall again be submitted to the Authority until after the date of the Annual Meeting of the Authority then next ensuing. The effect of this order shall not be evaded by substituting any motion differently worded, but the

same in effect, and if any such attempt be made, the Chairman shall take notice thereof and disallow discussion.

11. Voting

Subject to the proviso hereinafter mentioned, every question shall be determined by show of hands, and on the requisition of any member supported by two other members who signify their support by rising in their places, the voting on any question shall be recorded so as to show how each member present and voting gave his vote. Provided, however, that the Authority may resolve to determine any question then before the meeting by a vote by ballot. The Chairman or the person presiding at any meeting of the Authority shall have a second or casting vote. Any member may request to have their vote recorded. Standard rules of debate used by Primary Councils shall apply.

12. Voting on appointments

Where there are more than two persons nominated for any position to be filled by the Authority, 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.

13. Motions affecting persons employed by the Authority

If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Authority, it shall be considered by the Authority in private.

14. Motions on expenditure

Any motion which, if carried, would involve a departure from the Authority's Financial Regulations, would stand adjourned without discussion unless such notice is moved in pursuance of a recommendation or report from a Committee or Sub-Committee or the Authority has received a report from the Responsible Financial Officer on the financial implications of the motion.

15. Admission of the public to meetings

Subject to the provisions of the Public Bodies (Admission to Meetings) 1960, the public shall be admitted to all meetings of the Authority so far as there is accommodation, but if a member of the public interrupts the proceedings at any meeting, the Chairman may, after a warning, order his or her removal from the meeting or that part of the meeting room open to the public shall be cleared.

16. Interest of members in Contracts and other matters

If any member of the Authority has any pecuniary interest direct or indirect within the meaning of Section 95 of the Local Government Act, 1972, in any contract, proposed contract, or other matter, such member shall disclose such interest and while such contract, proposed contract, or other matter is before the Authority, withdraw from the meeting unless:-

- (i) The disability imposed upon him or her by that section has been removed by the "Appropriate Minister" under Section 97(1) thereof; or
- (ii) The Authority invites him or her to remain; or

- (iii) The contract, proposed contract or other matter is before the Authority as part of the report of a Committee and is not itself the subject of debate.

A member must comply with this Standing Order notwithstanding the fact that he or she may previously have disclosed the said pecuniary interest by means of a general notice under Section 96 of the Local Government Act, 1972.

17. No Quorum

Whenever during the transaction of business the Chairman on being satisfied that there are less than four members present shall declare the meeting at an end. The consideration of any business or transaction shall be adjourned to a time and place fixed by the Chairman or if no time is fixed to the next ordinary meeting of the Authority.

18. No protest to be entered on Minutes

No personal protest or expression of dissent by a member shall be allowed to be entered upon the minutes of the Authority. Standard rules of debate used by Primary Councils shall apply.

COMMITTEES

19. Appointment of Committees

The Authority may, at the Annual Meeting, appoint a Standing Committee and may at any time appoint such other Committees, following consultation and agreement, as are necessary to carry out the work of the Authority; but subject to any statutory provision in that behalf:

- (i) Shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Authority;
- (ii) May, at any time, dissolve or alter the membership of a Committee.

20. Casting Vote in Committee

The Chairman of a Committee shall have a second or casting vote.

21. Quorum

Except where authorised by statute or ordered by the Authority, business shall not be transacted at a meeting of any Committee unless at least three members of the Committee are present.

22. Voting in Committee

All questions in Committee shall be determined by show of hands by a majority of the members of the Committee present and voting unless the Committee determines to vote by ballot.

23. Standing Orders to apply to Committees

The Standing Orders of the Authority shall, with any necessary modifications, apply to Committee meetings.

FINANCIAL REGULATIONS

24. Financial Management

The Authority is responsible in law for ensuring that its financial management is adequate, effective and that it has a sound system of financial control and complies with the requirements of the Accounts and Audit Regulations, which includes the appointment of a Responsible Financial Officer.

25. General Control of Accounts

The whole of the accounts of the Authority shall be under the control of the Responsible Financial Officer, who shall direct the method in which any departmental account, including any subsidiary records, shall be kept. He/she shall exercise a current supervision and check over all financial matters and of all officers handling cash. The Responsible Financial Officer shall be supplied with all the information necessary for this purpose and shall be allowed access to all documents and records affecting finance.

26. Annual Estimates

The Authority, not later than November in each year, shall consider detailed estimates of the probable income and expenditure during the ensuing financial year. Upon approval, the Authority shall pass the necessary resolutions to issue levies upon the constituent Councils which form the Authority.

27. Expenditure against Estimates

Where any item of expenditure authorised in the annual estimates is likely to be exceeded, the Chief Port Health & Executive Officer shall inform the Responsible Financial Officer immediately so that the appropriate action may be taken.

The Responsible Financial Officer is responsible for the preparation of periodic budget cost monitoring reports for the Chief Port Health & Executive Officer and the Board.

28. Orders for Payment

All accounts, after being checked by the Chief Port Health & Executive Officer shall be transmitted for examination and payment by the Responsible Financial Officer who shall call to the attention of the Chief Port Health & Executive Officer and, if necessary, the Authority, any account which does not appear to be in order.

29. Drawing of Cheques

The Authority's bankers shall be authorised to pay cheques and other payment instruments under the signature of the Responsible Financial Officer up to the sum of £3,000 or such other limit set from time to time. Payments in excess of this amount shall be countersigned by either the Chairman or the Vice Chairman.

30. Financial Returns

It shall be the duty of the Responsible Financial Officer to prepare and submit all financial returns required by the Authority and he/she shall prepare and certify and otherwise deal with all claims for grants and other financial returns required by the Government Departments.

The Responsible Financial Officer shall also produce annual accounts in accordance with the Statement of Recommended Practice, issued by CIPFA.

31. Petty Cash

Where necessary the Responsible Financial Officer may advance sums for the purpose of defraying petty cash expenses. Vouchers for petty cash disbursements shall be obtained wherever possible, and the petty cash book and vouchers must be produced to the Responsible Financial Officer whenever requested. No amounts exceeding £20 shall be paid from petty cash.

32. Salaries and Wages

The Chief Port Health & Executive Officer, acting as Clerk, or senior person authorised by him shall supply to the Responsible Financial Officer by the times specified, full details of appointments, resignations, dismissals, sick leave and other leave and information as is required to prepare the salary roll. The Responsible Financial Officer shall be responsible for making arrangements for the payment of wages and salaries.

33. V.A.T.

The Responsible Financial Officer is responsible for ensuring that V.A.T. is accounted for in accordance with the rules pertaining to local authorities.

34. Irregularities

In any case where financial irregularity is suspected the Chief Port Health & Executive Officer shall immediately inform the Responsible Financial Officer so that the circumstances may be investigated as early as possible.

MISCELLANEOUS

35. Review of Internal Control

The Authority is required to conduct, at least annually, a review of the effectiveness of its system of internal control which must include risk assessments and insurance arrangements

36. Interest of Officers in Contracts

The Chief Port Health & Executive Officer, acting as Clerk shall maintain a record to for the purpose particulars of any notice given by an officer of the Authority under section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract and the record shall be open during office hours for the inspection of any member of the Authority.

37. Canvassing of Members

Canvassing of members of the Authority or any Committee of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidate for such appointment.

The purport of this Standing Order shall be included in every advertisement inviting applications for appointments or in the form of application.

38. Filling of vacancies and new offices

All vacancies to be filled in offices in the appointment of the Authority, unless they are to be filled by promotion or transfer, shall be publicly advertised.

39. Custody of Seal

The Chief Port Health & Executive Officer, acting as Clerk shall keep the Common Seal of the Authority in some safe place.

40. Sealing of Documents

The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Committee to which the Authority has delegated powers in this behalf, but a resolution of the Authority (or of a Committee where that Committee has the power) 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 precept or contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution. A fixed leaf book shall be kept for the purpose of recording details each time the seal is used. This shall include the date, the document sealed, signature of the witness and the relevant Authority minute.

41. Inspection of lands, premises, etc.

A member of the Authority, unless authorised to do so by the Authority or a Committee, shall not inspect any lands, ships or premises which the Authority has the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Authority.

42. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved, but except upon notice of motion duly given in pursuance of Standing Order No. 5 shall not be suspended unless there are present at least one half of the whole number of members of the Authority.

43. Standing Orders to be given to members

A printed copy of these Standing Orders shall be given to each member of the Authority by the Chief Port Health & Executive Officer, acting as Clerk when first appointed as a representative of a constituent authority.

44. Contracts

1. (i) Except as hereinafter provided every contract made by the Authority or by a Committee to which the power of making contracts shall have been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by directions or a resolution of the Authority, or in an emergency by such

Committee as aforesaid, provided however, that any Standing Committee of the Authority to whom powers in relation to any particular scheme, works or contracts shall have been given, is hereby authorised to suspend the operation of these Standing Orders on any occasion, when after investigation of the circumstances, they are satisfied that for reasons of cost (prime or otherwise), economy, efficiency, delivery or time or when the transaction may be for cash, the application thereof is inexpedient in relation to such scheme, works or contract.

- (ii) A record of any exception from any of the provisions of these Standing Orders shall be included and clearly set out in the Minutes or report of the Committee by whom such exception was made, or in the Minutes of the Authority, as the case may require, and the record shall specify the emergency or other reason which shall have rendered such exception necessary or expedient.
2. Before entering into a contract for the execution of any work of a value exceeding £10,000 the Authority shall obtain from the appropriate officer or other person an estimate in writing of the probable expense of executing the work in a suitable manner and of the annual expense of maintaining the same.
 3. No contract which exceeds £10,000 in value or amount for the supply of goods or materials or the execution of any work shall be made unless at least ten days public notice has been given in one or more of the local newspapers circulating in the district and such trade journals as the appropriate officer considers desirable, stating the nature and purpose of the contract, inviting tenders for its execution, and stating the last date when tenders will be received.
 4. Where in pursuance of this Standing Order public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which may bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender, and such envelope shall remain in the custody of the Clerk until the time appointed for opening.
 5. Tenders shall be opened at one time and only in the presence of:
 - (i) such member or members of the Authority as may have been designated for the purpose of the Authority or by the Committee to which the power of making the contract to which the tenders relate has been delegated; and
 - (ii) the Chief Port Health & Executive Officer, acting as Clerk or an official of the Authority designated by him.
 6. A tender other than the lowest tender if payment is to be made by the Authority or the highest tender if payment is to be received by the Authority shall not be accepted until the Authority or Committee concerned shall have considered a written or verbal report thereon from the appropriate officer, the purport of which shall be entered on the minutes.
 7. Every contract for the execution of works or for the supply of goods or materials otherwise than at one time shall provide for some pecuniary penalty or a sum as liquidated and ascertained damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Authority shall require and take sufficient security for the due performance of every such contract, unless the appropriate officer having regard to all the circumstances considers it to be unnecessary.

8. All contracts, where an appropriate specification issued by the British Standards Institution is current at the date of the tender shall unless there is good and sufficient reason to the contrary, require that goods and materials used in their execution and all workmanship shall be in accordance with that specification.
9. In every written contract a clause shall be inserted to secure that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Authority, or if the like acts shall have been done by any person employed by him or acting of his behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Authority the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or any amendment of them or shall have given any fee or reward the receipt of which is in offence under Sub-Section 2 of Section 117 of the Local government Act, 1972.
10. In every written contract for the execution of work or for the supply of goods or materials the following clauses shall be inserted:
 - A. The contractors shall be prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever any portion of the contract without the written permission of the Authority.
 - B. Except where otherwise provided for in the contract the contractors shall not sub-let or enter into any sub-contract for the execution of the works or any of them without the consent in writing of the Authority but notwithstanding such consent no sub-contracts shall operate to relieve the contractors from any of their liabilities or obligations and the contractors shall be responsible for all the acts, defaults and neglects of the subcontractors, their agents, servants or workmen as fully as if they were the acts, defaults and neglects of the contractors, their agents, servants or workmen.