

THE SOUTHERN EDUCATION  
AND LIBRARY BOARD

STANDING  
ORDERS

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## **THE SOUTHERN EDUCATION AND LIBRARY BOARD**

In accordance with paragraph 12(2) of Schedule 2 to The Education and Libraries (Northern Ireland) Order 1986 the following Standing Orders for the conduct of the business of the Board and committees thereof were made by the Board at a meeting held on 16 February 2006. In these Standing Orders “the relevant department” means the relevant Department of the Government of Northern Ireland which in relation to libraries means the Department of Culture, Arts and Leisure, in relation to student support or further education means the Department for Employment and Learning and in relation to all other matters means the Department of Education.

### **STANDING ORDERS FOR THE CONDUCT OF MEETINGS OF THE BOARD AND COMMITTEES OF THE BOARD**

#### **1 MEETINGS**

##### **1.1 Frequency of ordinary meetings:**

Meetings of the Board shall be held at least six times each year at such places, dates and times as shall be determined by the Board.

##### **1.2 Special meetings:**

The Chief Executive shall call a special meeting of the Board if so requested in writing by the Chairperson of the Board or on receipt of a requisition for such a meeting signed by not less than ten members of the Board. The written request or requisition must state the business to be transacted at the special meeting and must be delivered in writing to the office of the Chief Executive not less than ten working days before the date of the special meeting. No business shall be transacted at the special meeting other than that specified in the notice.

##### **1.3 Notice and Summons of meetings:**

Five working days at least before a meeting of the Board the Chief Executive shall -

- (a) publish at the offices of the Board a notice of the time and place of the intended meeting. Such notice shall specify the business proposed to be transacted at the meeting; and
- (b) serve by post, by hand, by electronic means or otherwise to each member a summons to attend the meeting and such summons shall specify the business proposed to be transacted at the meeting and, where the meeting has been called on the request of members, the summons shall in addition specify the names of such members. Want of service of a summons shall not affect the validity of a meeting.

##### **1.4 Adjournment of meetings:**

The Board may adjourn any meeting to a later hour on the same day or to any other day and hour.

If any meeting be adjourned to a specified date the adjourned meeting shall be deemed a continuation of the original meeting. If a meeting is adjourned sine die any business left unfinished shall be postponed until the next ordinary meeting. Where the date fixed for the adjourned meeting so permits, notice of the adjourned meeting shall be sent by the Chief Executive to each member of the Board on the first working day following the adjournment. No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment unless notice thereof shall have been delivered or sent by the Chief Executive to each member of the Board five working days at least previous to such meeting.

**1.5 Record of Attendances at Meetings:**

The names of the members present at a meeting shall be recorded in the minutes.

**1.6 Chairperson of meeting:**

At a meeting of the Board the Chairperson of the Board if present shall preside. If the Chairperson of the Board is absent from a meeting of the Board, the Vice-Chairperson of the Board if present shall preside.

If both the Chairperson and Vice-Chairperson of the Board are absent from a meeting of the Board, the Chairperson for that meeting shall be elected from the Board members present at the meeting.

**1.7 Commencement of business:**

The business of any meeting shall proceed immediately upon a quorum being formed and the chair being taken once the appointed starting time for the meeting has been reached.

**2 QUORUM OF BOARD**

The quorum of the Board shall be one-third of the total number of current members of the Board.

If during any meeting of the Board the Chairperson, after counting the number of members present, declares that there is not present a quorum, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairperson at the time the meeting is adjourned and the provisions of Standing Order 1.4 relating to adjourned meetings shall apply, or, if the Chairperson does not fix a time, to the next ordinary meeting of the Board.

**3 ELECTION OF CHAIRPERSON**

The Board shall elect a Chairperson and Vice-Chairperson in accordance with the provisions of paragraph 9(1) of Schedule 2 to The Education and Libraries (Northern Ireland) Order 1986.

#### **4 ORDER OF BUSINESS**

Unless otherwise decided by the presiding Chairperson, or on adoption of a motion under Standing Order 7.1c, the business of the meeting shall follow the order specified in the agenda. Where a member wishes to raise a matter not on an agenda of a Board or Committee meeting the member shall notify the Chairperson at least 24 hours before the meeting. It shall be a matter for the Chairperson to use their discretion as to whether to include the additional item on the agenda.

#### **5 MINUTES**

- 5.1** The minutes of the proceedings at a meeting of the Board shall be drawn up and entered in a permanent record kept for that purpose and shall be submitted as a correct record at the same or the next ensuing meeting of the Board.
- 5.2** The Chairperson shall put the question that the minutes of the meeting of the Board held on the date stated be approved as a correct record.
- 5.3** 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 then, or if it is raised then as soon as it has been disposed of, the Chairperson shall sign the minutes.
- 5.4** Any minute purporting to be signed as mentioned in Standing Order 5.3 shall be received in evidence without further proof.

#### **6 NOTICE OF MOTIONS**

- 6.1** 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 members of the Board giving the notice and delivered at least ten days before the next meeting of the Board at the office of the Chief Executive of the Board by whom it shall be dated and numbered in the order in which it is received.
- 6.2** The Chief Executive shall set out in the summons for every meeting of the Board all motions of which notice has been duly given in the order in which they have been received.
- 6.3** 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 their behalf it shall, unless postponed by consent of the Board, be treated as withdrawn and shall not be moved without fresh notice.
- 6.4** If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees of the Board, it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees of the Board as the Board may determine, for consideration and report. The Chairperson may, if the Chairperson considers it convenient and conducive to the despatch of business and with the consent of the majority of members present, allow the motion to be dealt with at the meeting at which it is brought forward.

## **7 MOTIONS AND AMENDMENTS NOT REQUIRING NOTICE**

**7.1** Save with the permission of the Chairperson, if the Chairperson considers it convenient and conducive to the despatch of business, and subject to the provisions of Standing Order 7.2, only the following motions and amendments may be moved without notice -

- a. election of a Chairperson of the meeting at which the motion is made;
- b. motions relating to the accuracy of the minutes;
- c. that an item of business specified in the summons has precedence;
- d. remission to a committee;
- e. appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting;
- f. adoption of reports and recommendations of committees or officers and any consequent resolutions;
- g. that leave may be given to withdraw a motion;
- h. extending the time limit for speeches;
- i. amendments to motions;
- j. that the Board proceed to the next business;
- k. that the question be now put;
- l. that the debate be now adjourned;
- m. that the Board be now adjourned;
- n. authorising the sealing of documents;
- o. suspending one or more Standing Orders, in accordance with Standing Order 26;
- p. that a member named under Standing Order 12 be not further heard or to leave the meeting;
- q. giving consent of the Board where consent of the Board is required by the Standing Orders.

**7.2** Where a committee has sat since the last meeting of the Board and time has not allowed the preparation of minutes or a report of the committee for circulation to members prior to the next meeting of the Board, the Chairperson of the committee concerned or a member of that committee or officer of the Board authorised by the Chairperson of the committee may raise at such last mentioned meeting of the Board any urgent business requiring its decision.

## **8 OTHER MATTERS PERTAINING TO MOTIONS**

### **8.1 Relevancy of motions:**

Every motion shall be relevant to some matter in relation to which the Board has powers or duties or which directly affects the provision of services for which the Board is responsible.

### **8.2 Power to withdraw motions and amendments:**

A motion or amendment may be withdrawn by the mover with the consent of a seconder and of the Board, 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.

### **8.3 Motions affecting persons employed by the Board:**

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

### **8.4 Definition of an amendment:**

An amendment shall be relevant to the motion and shall be -

- a. to refer a subject of debate to a committee for consideration or reconsideration; or
- b. to leave out words; or
- c. to leave out words and insert or add others; or
- d. to insert or add words;

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

## **9 RULES OF DEBATE**

### **9.1 Motions and amendments to be reduced to writing and seconded:**

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 6.1, 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.

### **9.2 Seconding a motion:**

A member, when seconding a motion or amendment, if the member then declares their intention to do so, may reserve their speech until a later period of the debate.

**9.3 Mode of Address:**

A member when speaking shall address the Chair and shall not be interrupted by any other member unless on a point of order. The member raising the point of order shall be heard and the question of order shall be disposed of before the subject be resumed or any other subject entered upon. Whenever the Chairperson rises, no member shall continue speaking nor shall any other member speak until the Chair be resumed.

**9.4 Member to speak to the motion:**

A member shall direct their speech to the motion under discussion or any amendment thereof or to such motion as is permitted under Standing Order 9.14 or to a personal explanation or to the point of order.

**9.5 Member may rise on a point of order:**

A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith.

**9.6 Definition of a point of order:**

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 in question and state the way in which it is considered to have been broken.

**9.7 Definition of a personal explanation:**

A personal explanation shall be confined to some material part of a former speech by a member which may appear to have been misunderstood in the present debate.

**9.8 Member called to order:**

If any member while speaking be called to order the member shall cease to speak and shall not again address the Board until the Chairperson shall have disposed of the question of order.

**9.9 Ruling of Chairperson on point of order:**

The ruling of the Chairperson on a point of order or the admissibility of a personal explanation shall not be open to discussion.

**9.10 Members shall not speak more than once:**

A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except -

- a. to speak once on an amendment moved by another member;
- b. if the motion has been amended since the member last spoke, to move a further amendment;

- c. if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which the member spoke was carried;
- d. in exercise of a right of reply given by Standing Order 9.16;
- e. on a point of order;
- f. by way of personal explanation;
- g. by permission of the Chairperson.

**9.11 Duration of speeches:**

Except with the permission of the Board a member, in introducing a motion, shall not speak for more than 10 minutes and, in replying, for more than five minutes. Other members shall not speak for more than five minutes.

**9.12 Addressing the Board:**

The Board during its sitting, unless by permission of the Chairperson, shall not be addressed by any person not a member of the Board.

**9.13 Only one amendment may be moved and discussed at a time:**

Except by permission of the Chairperson, only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of. However, 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 Board's business.

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. A member may with the consent of the Board signified without discussion -

- a. alter a motion of which the member has given notice; or
- b. with the further consent of the seconder alter a motion which the member has moved;

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

**9.14 When a motion is under debate no other motion shall be moved:**

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 be now put;
- f. that a member be not further heard;
- g. by the Chairperson under Standing Order 12.2 that a member do leave the meeting.

**9.15 Chairperson not to receive motion for a direct negative:**

The Chairperson shall not receive a motion for a direct negative to a question but on the conclusion of the debate the question shall be put and resolved in the affirmative or the negative.

**9.16 Mover's right of reply:**

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 the amendment shall have no right of reply to the debate on their amendment.

**9.17 "That the Board proceed to the next business":**

**"That the question be now put":**

**"That the debate be now adjourned":**

**"That the Board do now adjourn":**

A member may move without comment at the conclusion of a speech of another member 'That the Board proceed to the next business', 'That the question be now put', 'That the debate be now adjourned', or 'That the Board do now adjourn', on the seconding of which the Chairperson shall proceed as follows -

- a. on a motion to proceed to the next business, unless in the Chairperson's opinion the matter before the meeting has been insufficiently discussed, the Chairperson shall 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 be now put, unless in their opinion the matter before the meeting has been insufficiently discussed, the Chairperson shall first put to the vote the motion the question be now put and if it is passed then give the mover of the original motion their right of reply under Standing Order 9.16 before putting their motion to the vote;
- c. on a motion to adjourn the debate or the meeting, if in the Chairperson's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chairperson shall put the adjournment motion to

the vote without giving the mover of the original motion their right of reply on that occasion.

## **10 QUESTIONS**

**10.1** A member of the Board may ask the Chairperson of a committee of the Board any questions upon any item of the minutes of the committee when the minutes containing that item are under consideration by the Board and, where the member has given the Chairperson of the committee notice of their question in writing at least 24 hours before the commencement of the Board meeting, the member shall be entitled to a reply.

**10.2** A member of the Board may:

- a. if five working days notice in writing has been given to the Chief Executive, ask the Chairperson or the Chairperson of any committee of the Board any question on any matter in relation to which the Board has powers or duties or which directly affects the provision of services for which the Board has responsibility;
- b. with the permission of the Chairperson put to the Chairperson or the Chairperson 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 Chief Executive of the Board not later than noon on the working day preceding the day of the meeting.

**10.3** Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer except as set out in 10.1 above.

**10.4** An answer may take the form of -

- a. a direct oral answer;
- b. where the desired information is contained in a publication of the Board or the relevant department, a reference to that publication; or
- c. where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Board.

## **11 DEPUTATIONS**

A deputation may not be admitted to the Board or a committee thereof unless the Chief Executive of the Board has received ten working days previous notice of the intended deputation and the object and composition thereof. If the Chief Executive receives such notice the Chief Executive shall decide, in consultation with the Chairperson of the Board or, as the case may be, committee, whether to authorise the attendance of the deputation at the forthcoming meeting or to ask the Board or, as the case may be, committee to make a decision. No deputation shall consist of more than four people. The privilege of a deputation shall be confined to the presentation of a memorial, a statement or copies of resolutions and the making of not more than two short speeches by members of the deputation.

## **12 DISORDERLY CONDUCT**

- 12.1** If at a meeting any member of the Board misconducts himself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Board, 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.
- 12.2** If the member named continues their misconduct after a motion under the foregoing paragraph has been carried the Chairperson may -
- a. move 'That the member named do leave the meeting', in which case the motion shall be put and determined without seconding or discussion; or
  - b. adjourn the meeting of the Board for such period as the Chairperson in their discretion shall consider expedient.
- 12.3** In the event of a general disturbance which in the opinion of the Chairperson renders the due and orderly despatch of business impossible, the Chairperson in addition to any other power vested in the Chairperson may, without question put, adjourn the meeting of the Board for such period as the Chairperson in their discretion shall consider expedient.

## **13 DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Chairperson shall warn the person. If the person continues the interruption the Chairperson shall order their removal from the chamber. In case of general disturbance in a part of the chamber open to the public the Chairperson shall order that part to be cleared.

## **14 RESCISSION OF A PRECEDING RESOLUTION**

No motion to rescind any resolution passed by the Board 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 by a member unless notice thereof given in pursuance of Standing Order 6.1 bears the names of at least ten members of the Board. When any such motion or amendment has been disposed of by the Board, it shall not be open to any member to propose a similar motion within a further period of six months.

Any resolution passed by a committee of the Board or sub-committee thereof shall be deemed to be a resolution of the Board when the minutes of that committee or sub-committee have been adopted by the Board.

## **15 VOTING**

### **15.1 Decisions on questions:**

Subject to any statutory provision, all acts of a Board and all questions coming or arising before a Board shall be done and decided by a majority of the members present and voting thereon at a meeting of the Board.

### **15.2 Mode of voting:**

The mode of voting at meetings of the Board shall be by show of hands and, on a requisition of any member of the Board made before the vote is taken and supported by five other members who signify their support by rising in their places, the voting on any such question shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting. The Chairperson at any meeting of the Board shall, in addition to their right to vote as a member of the Board, have a casting vote.

### **15.3 Voting on appointments:**

Where more than two persons are nominated for any position to be filled by the Board and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken. This process shall be repeated until an absolute majority of votes of members present and voting is given in favour of one person.

## **16 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

**16.1** Canvassing of members of the Board or any committee of the Board directly or indirectly for any appointment under the Board shall disqualify the candidate concerned for that appointment. The purport of this paragraph of the Standing Order shall be included in any form of application.

**16.2** A member of the Board shall not solicit for any person any appointment under the Board.

## **17 RECORD BY CHAIRPERSON OF DISSENT FROM DECISION TAKEN BY THE BOARD**

In circumstances where the Chief Executive, in pursuance of their duty as accounting officer, has indicated to the Board that a decision taken by it is contrary to their advice and that the Chief Executive will refer the matter to the Permanent Secretary of the relevant Departments, the Chairperson may direct that the Chief Executive's dissent from the decision of the Board should be recorded in the minutes of the meeting.

## 18 COMMITTEES

### 18.1 Board in committee:

The Board may at any meeting resolve itself into committee for the purpose of transacting any business on the agenda for that meeting but the public shall not be excluded from the proceedings of the Board in committee except by resolution of the Board in accordance with Article 95(2) of the Education and Libraries (Northern Ireland) Order 1986.

The Board in committee shall not consider any matter not referred to by the resolution resolving the Board into committee but, if it should be deemed necessary to consider any matter not included in the terms of reference, the Board shall be resumed and the Chairperson may ask leave of the Board to take up the consideration in committee of such additional matters as may be deemed desirable.

The Board in committee shall not have power to adjourn its own sittings or to adjourn a debate to a future sitting but, if the business referred to be not transacted, the Board may be resumed and the Chairperson may move that the Board be again put into committee on a future day. If the Board in committee shall have transacted part of the business referred to, without being able to reach a decision on all the business referred to, the Chairperson may with leave of the committee report progress and ask the Board for permission to sit again.

While the Board is in committee a motion may be made at the conclusion of any speech 'That the Chairperson do leave the Chair' or 'That the Chairperson do report progress'. The former resolution, if carried, shall supersede the business of the committee and when the Board shall be resumed no report shall be made by the Chairperson.

If the Chairperson be directed to report the resolutions or other proceedings of the committee, the Board shall be resumed, the Chairperson shall make a report and such report shall be received without question put. A motion for its adoption shall then be moved which motion shall also be put without debate.

### 18.2 Appointment of committees:

The Board shall at its first meeting or as soon thereafter as practicable appoint the Teaching Appointments Committee and the Library Committee in accordance with Article 4 of the Education and Libraries (Northern Ireland) Order 1986, and may appoint at any time such other committees as it considers necessary.

The Board may at any time dissolve a committee, not being the Teaching Appointments Committee or the Library Committee, or alter its membership.

### 18.3 Standing Orders of committees and sub-committees:

Subject to the provisions of schemes made under Article 4(3) of the Education and Libraries Order (Northern Ireland) 1986 specifying the functions to be performed and the procedure to be followed by the Board's Teaching Appointments Committee and the Board's Library Committee, the Standing

Orders of the Board shall, with such modifications as are contained in this Standing Order and in the schemes for the committees, apply to committees of the Board and sub-committees thereof.

**18.4 Quorum at committees and sub-committees:**

Except where ordered by the Board, business shall not be transacted at a meeting of any committee or sub-committee unless at least one-quarter of the whole number of the committee or sub-committee is present, provided that in no case shall the quorum of a committee or sub-committee be less than three members.

**18.5 Day and hour of committee meetings:**

Each committee shall from time to time fix its own day and hour of meeting and notify the Board.

**18.6 Special meetings of committees:**

The Chief Executive, or the Chief Librarian in the case of the Library Committee, shall call a special meeting of a committee if so requested in writing by the Chairperson of the committee or the Chairperson of the Board or on receipt of a requisition for such a meeting signed by not less than one-quarter of the number of members of the committee. The written request must state the business to be transacted at the special meeting and must be delivered to the office of the Chief Executive or, in the case of the Library Committee, to the office of the Chief Librarian, not less than ten working days before the date of the meeting. No business shall be transacted at the special meeting other than that specified in the notice.

**18.7 Notice and summons of meetings of committees:**

Every committee shall be summoned by the Chief Executive or an officer authorised by the Chief Executive except the Library Committee which shall be summoned by the Chief Librarian or an officer authorised by the Chief Librarian. Five working days at least before a meeting of a committee the Chief Executive, or the Chief Librarian in the case of the Library Committee, shall serve by post, by hand, by electronic means or otherwise to each member of the committee a summons to attend the meeting specifying the business proposed to be transacted thereat and, where the meeting has been called on the request of members, the summons shall in addition specify the names of such members. Want of service of a summons shall not affect the validity of a meeting.

Five working days at least before a meeting of the Education Committee or the Services Committee the Chief Executive shall publish at the office of the Board a notice of the time and place of the intended meeting. Five working days at least before a meeting of the Library Committee the Chief Librarian shall publish at the office of the Board a notice of the time and place of the intended meeting.

**18.8 Election of committee Chairperson and Vice-Chairperson:**

Every committee at its first meeting, before proceeding to any other business, shall elect a Chairperson and a Vice-Chairperson. The term of office of a Chairperson or Vice-Chairperson of a committee shall be for such a period as

the Board may determine. In the absence from a meeting of the Chairperson and Vice-Chairperson, a Chairperson for that meeting shall be elected by the members then present. Should a vacancy occur in the office of Chairperson or Vice-Chairperson it shall be filled by a new election.

**18.9 Reports and minutes of committees:**

Each meeting of a committee shall be reported to the Board and the minutes of such meeting of a committee other than the Remuneration Committee shall be circulated with the notice convening the appropriate meeting of the Board.

**18.10 Voting in committees and sub-committees:**

The mode of voting at a meeting of a committee or sub-committee shall be in accordance with Standing Order 15.2.

**18.11 Duties of standing committees:**

The duties and responsibilities of standing committees shall be determined by the Board and shall be set out in writing and signed by the Chairperson and Chief Executive. The duties and responsibilities of standing committees may be altered or amended at any time by resolution of the Board.

The provisions of this Standing Order are without prejudice to the provisions of schemes, prepared by the Board and approved by the relevant Departments, specifying the functions to be performed and the procedure to be followed by the Board's Teaching Appointments Committee and Library Committee.

**18.12 Chairperson responsible:**

The Chairperson of each committee shall be responsible to the Board for the general direction of the business entrusted to the committee and the Chairperson shall take charge of, or in their absence arrange for, the moving of the adoption of the report of the committee at the meeting of the Board to which it is submitted.

**18.13 Sub-committees:**

Each committee may appoint sub-committees for specific purposes. A sub-committee shall meet as often as is necessary for the purposes for which it was appointed. Unless the Board decides otherwise the report of a sub-committee, whether appointed under this Standing Order or otherwise, shall be submitted to the parent committee for confirmation previous to being brought before the Board.

**19 COMMON SEAL**

**19.1 Custody of Common Seal:**

The Common Seal of the Board shall be kept in a safe place secured by a lock, the keys of which shall be in the custody of the Chief Executive of the Board or an officer of the Board designated by the Chief Executive for the purpose.

## **19.2 Sealing of documents:**

The Common Seal of the Board shall not be affixed to any document unless the sealing has been authorised by resolution of the Board or of a committee having lawful powers or to which the Board has delegated its powers in this behalf, but a resolution of the Board (or of a committee where that committee has power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the making of any contract, the making of a bye-law, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The Common Seal shall be attested by the following persons present at the sealing, namely the Chairperson or Vice-Chairperson or other member of the Board and the Chief Executive or, in their absence, an officer designated by The Chief Executive for this purpose.

## **19.3 Record of documents sealed:**

An entry of the sealing of every deed and other document to which the Common Seal shall have been affixed shall be made in the minutes of the meeting of the Board at which the affixing of the seal took place and, in circumstances when the Common Seal is affixed otherwise than at a Board meeting, at the next ensuing meeting of the Board or a committee authorised by the Board.

## **20 DUTIES OF MEMBERS IN RELATION TO BOARD WORKS, DOCUMENTS AND OFFICERS**

**20.1** Unless specifically authorised to do so by a decision of the Board a member of the Board shall not issue any order to or make any request of an officer respecting any works or duties which are being carried out by or on behalf of the Board or claim by virtue of their membership of the Board to have any right to inspect or to enter upon any lands or premises which the Board has the power or duty to inspect or enter.

**20.2** Unless specifically authorised to do so by a decision of the Board a member of the Board shall not claim by virtue of their membership of the Board to have any right to inspect any documents held (whether in paper, electronic or any other format) by the Board or any of its officers.

**20.3** A member of the Board shall not solely by virtue of such membership have any right to reprimand any officer of the Board in connection with the performance of their duties but shall in the first instance report their comments in writing to the Chief Executive of the Board.

## **21 CONTRACT PROCEDURE**

### **21.1 Making of contracts:**

Every contract made by the Board or by a committee authorised by the Board to make the contract on its behalf shall comply with these Standing Orders.

### **21.2 Contracts in writing:**

Every contract which exceeds £1,500 in value or amount shall be in writing.

### **21.3 EU Directives:**

Every contract made by a Board or a committee authorised by a Board, the aggregate value of which exceeds the EU monetary threshold as expressed in euro, shall comply with the relevant EU directive for the time being in force.

## **22 QUOTATIONS AND TENDER PROCEDURE**

### **22.1 Quotations:**

Where the estimated cost of works to be carried out is between £2,000 and £30,000 excluding VAT written quotations shall be sought as follows:

£ 2,000 - £10,000	At least three quotations
£10,001 - £30,000	At least four quotations

Where the estimated cost of goods or services to be purchased is between £1,500 and £30,000 excluding VAT written quotations shall be sought as follows:

£ 1,500 - £10,000	At least three quotations
£10,001 - £30,000	At least four quotations

### **22.2 Tenders:**

Where the estimated cost of works, goods or services to be purchased exceeds £30,000 excluding VAT the procedures as set out in Standing Orders 22.3, 22.4, 22.5, 23.1, 23.2, 23.3, 23.4 and 23.5 shall be followed. Where, in addition, the estimated cost of works, goods or services to be purchased exceeds the EU monetary threshold, as expressed in euro, the procedures set out in the relevant EU directives shall be followed.

### **22.3 Open competitive tendering:**

Except as provided in Standing Orders 21.3, 22.4, 22.5 and 23.6 no contract which exceeds £30,000 in value or amount for the supply of goods or materials or the execution of any work shall be made unless at least 15 days public notice has been given in one or more newspapers circulating in the area, inviting tenders for its execution and stating the time and date when tenders will be received. Where, in addition the aggregated value of the contract exceeds the EU monetary threshold the relevant regulations relating to open competitive tendering contained in the relevant EU directive shall also be applied.

### **22.4 Selective tendering:**

This Standing Order shall have effect where, by virtue of a decision of the Board or of a committee duly authorised in that behalf, invitation to tender for a contract is to be limited to persons who reply to a public notice.

Public notice shall be given in one or more newspapers circulating in the area setting out the particulars of the contract to which the Board wishes to enter and inviting persons interested to apply, within such period as may be specified being not less than 15 days.

After the expiration of the period specified in the public notice invitations to tender for the contract shall be sent to the successful applicants for inclusion on the select list, selected in the manner determined by the Board either generally or in relation to a particular contract or category of contracts, or if fewer than six persons have applied and are considered suitable, to all such persons.

## **22.5 Selective tendering from standing list of tenderers:**

- a. This Standing Order shall have effect where the Board or a committee duly authorised in that behalf has determined that a list shall be kept of persons to be invited to tender for contracts for the supply of goods or materials of specified categories, values or amounts or for the execution of specified categories of works in one or more contracts.
- b. The said list shall:-
  - (i) be compiled and maintained by the Board;
  - (ii) contain the names of all persons who wish to be included in it and are approved by the Board; and
  - (iii) indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified categories or values or amounts.
- c. A notice inviting applications for inclusion in the select list shall be published in one or more newspapers circulated in the area at least 21 days before the list is first compiled. In addition, where the aggregated value of a contract exceeds the EU monetary threshold, notice inviting applications for inclusion in the select list shall be published in accordance with the relevant EU directive.
- d. The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding four years. At least 28 days before each review each person whose name appears in the list shall be asked whether they wish their name to remain therein and notices inviting applications for inclusion in the list shall be published in the manner provided by Standing Order 22.5c.
- e. Where by virtue of a decision of the Board or of a committee duly authorised in that behalf invitation to tender for a contract is limited to persons whose names appear on the list maintained under this Standing Order, an invitation to tender for that contract shall be sent to at least six of those persons whose names appear in the said list as being approved for a contract for that value or amount or of that category or if there are fewer than six such persons to all such persons. If there are not less than six such persons, the persons to whom invitations are sent shall be selected in the manner determined by the

Board either generally or in relation to a particular contract or to a category of contracts.

## **23 RECEIPT AND OPENING OF TENDERS**

### **23.1 Receipt of tenders:**

Where in pursuance of these Standing Orders invitation to tender is required, every notice of such invitation shall state that no tender will be received except in an envelope provided for the purpose by the Board or in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, and such envelopes shall remain in the custody of the Chief Executive or an officer designated by the Chief Executive until the time appointed for their opening.

### **23.2 Opening of tenders:**

Tenders received under Standing Order 22.3, 22.4 or 22.5 shall be opened at one time and only in the presence of one or more members of the Board and an authorised officer of the Board.

The Chief Executive or an officer designated by the Chief Executive shall maintain a record of all such tenders received.

### **23.3 Acceptance of tenders:**

A tender other than the lowest tender if payment is to be made by the Board or other than the highest tender if payment is to be received by the Board shall not be accepted until the Board shall have considered a written report from the appropriate officer or other appropriate person.

### **23.4 Nominated sub-contractors:**

Where a sub-contractor or supplier is to be nominated to a main contractor the provisions of Standing Orders 21.2, 21.3, 22.1, 22.2, 22.3, 22.4, 22.5, 23.1 23.2 and 23.3 shall have effect.

### **23.5 Signing of contracts:**

Every contract which is not made under seal shall be signed on behalf of the Board by the Chief Executive or by an officer designated by the Chief Executive.

### **23.6 Emergency work:**

The Chief Executive or other officer designated by the Chief Executive shall be authorised to place orders to such amount as may from time to time be determined by the Board for maintenance work upon property belonging to the Board or for which the Board is responsible, without report to the Board in any case where in their opinion it is essential to carry out such work for the preservation of such property or the safety of persons.

## 24 CONTRACTUAL TERMS

### 24.1 Body of contract:

- a. Every contract shall specify in writing:-
  - (i) the work, materials, matter or things to be furnished, had or done;
  - (ii) the price to be paid with a statement of discounts or other reductions; and
  - (iii) where relevant, the time or times within which the contract is to be performed.
- b. Every contract in writing shall include such statutory provisions as may be required for the time being in force.
- c. Contracts in writing which exceed £30,000 in value or amount shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed and, for contracts exceeding in value or amount a limit to be fixed by the Board from time to time, the Board shall also require and take sufficient security for the due performance of any such contract.
- d. In every formal contract for the supply of goods or materials or the provision of services a clause shall be inserted to secure that, should the contractor fail to deliver the goods or materials or any portion thereof within the time or times specified in the contract, the Board, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods or materials or to secure alternative services, as the case may be, of the same or similar description to make good (a) such default or, (b) in the event of the contract being wholly determined, the balance of the goods or materials or services remaining to be delivered or provided. The clause shall further secure that the amount by which the cost of so purchasing other goods or materials or providing alternative services exceeds the amount which would have been payable to the contractor in respect of the goods or materials or the services provided, as the case may be, replaced by such purchase or the provision of such services, if they had been delivered in accordance with the contract shall be recoverable from the contractor.

### 24.2 Determination of contract:

There shall be inserted in every contract in writing a clause empowering the Board to determine the contract and to recover from the contractor the amount of any loss resulting from such determination 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 to 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 Board, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Board, or if the like acts shall have

been done by any person employed by them or acting on their behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Board the contractor or any person employed by them or acting on their behalf shall have committed any offence under, or shall have given any fee or reward the receipt of which is an offence under, any of the Prevention of Corruption Acts or the Education and Libraries (Northern Ireland) Order 1986, or any legislation dealing generally or specifically with the prevention of corruption.

### **24.3 Quality Assurance:**

Maximum use should be made of third party quality assurance schemes in contract specifications. Any reference to a specified quality assurance scheme shall be satisfied by compliance with an equivalent scheme recognised in any Member State of the European Union. In the absence of an assurance scheme, goods and processes should be clearly specified with reference to an appropriate European specification. If such a specification does not exist or in accordance with EU regulations the requirement can be waived, use should be made of a standard such as a British Standard, a British Standard Code of Practice, British Board Agreement Certificate, etc. Any reference to a specific standard or certificate etc, shall however be satisfied by compliance with an equivalent national standard of any Member State of the European Union or any equivalent international standard recognised in such a Member State. In the event of the absence of a performance specification, use may be made of proprietary names provided they are qualified by adding the words "or equivalent".

## **25 EXCEPTIONS FROM STANDING ORDERS**

No exception from any of the provisions of these Standing Orders shall be made otherwise than by direction of the Board. A record of any exception from any of the provisions of these Standing Orders shall be included in the minutes of the Board and the record shall specify the special consideration by which the exception shall have been justified.

## **26 SUSPENSION OF STANDING ORDERS**

**26.1** Subject to the provisions of Standing Order 26.2, any of the preceding Standing Orders may be suspended with regard to any business at the meeting where its suspension is moved and approved by a majority of the members present and voting.

**26.2** A motion to suspend any Standing Order shall not be moved without notice under Standing Order 7.1 unless there shall be present at least one-half of the whole number of the members of the Board.

## **27 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 meeting of the Board.

Any addition, variation or revocation of these Standing Orders by the Board shall be subject to the approval of the Department of Education.

## **28 STANDING ORDERS TO BE GIVEN TO MEMBERS**

A copy of these Standing Orders shall be given to each member of the Board by the Chief Executive and copies of amendments shall likewise be issued as soon as possible after adoption by the Board and approval by the Department of Education.

## **29 INTERPRETATION OF STANDING ORDERS**

The ruling of the Chairperson as to the construction or application of any of the foregoing Standing Orders or as to any proceedings of the Board or committee shall not be challenged at any meeting of the Board or committee.

The foregoing Standing Orders were adopted at a meeting of the Southern Education and Library Board held on 16 February 2006, were approved by the Department of Education on 14 September 2006 and came into operation on 1 October 2006.

The Standing Orders adopted by the Board at its meeting on 16 December 1993 are hereby revoked and shall cease to have effect on 30 September 2006 with the exception of any matter where a procedure has started under the terms of current Standing Orders; in such cases the procedure will be brought to a conclusion within the terms of those Standing Orders.

Sealed with the Common Seal of The Southern Education and Library Board in the presence of:-

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*Chairperson*

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*Chief Executive*

The Department of Education hereby approves the foregoing Standing Orders. Sealed with the Common Seal of the Department of Education this \_\_\_\_\_ day of \_\_\_\_\_ 200 .