

# Bestwood Village Parish Council

## – standing orders

### 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting for reasons of expedience.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda not moved by its proposer, may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion under consideration.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting, and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- j Subject to standing order 1 (k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l The number of amendments to an original or substantive motion that may be moved by a councillor is limited to one.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting , a councillor may speak once in the debate of a motion except to speak on an amendment moved by another councillor , or to move another amendment if the motion has been amended since he last spoke or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his decision shall be

final.

- r When a motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waive his right of reply.
  - t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

## **2. Disorderly conduct at meetings**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include a temporarily suspending or closing of the meeting.

## **3. Meetings generally**

- a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b The minimum 3 clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum 3 clear days public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

The period of time designated for public participation at a meeting in accordance with standing order 3 (d) above shall not exceed 15 minutes unless directed by the Chair of the meeting.

Subject to standing order 3 (e) above, a member of the public shall not speak for more than 4 minutes.

In accordance with standing order 3 (f) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of a meeting may direct that a written or oral response be given.

A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chair may at any time permit and person to be seated when speaking.

A person who speaks at a meeting shall address his comments to the Chair.

Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair shall direct the order of speaking.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted.

In accordance with standing order 3(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if any).

The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.

The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. names of councillors and non-councillors present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session and
- vi. the resolutions made.

A councillor or a Non-councillor with voting rights who has a disclosable pecuniary interest or another interest in a matter being considered at a meeting which affects his right to participate in a discussion and vote on that matter is subject to statutory limitations or restrictions and any obligations in the code of conduct adopted by the Council.

- t If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- u A meeting shall not exceed a period of 2 hours.

## 4. Committees and sub- committees

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee that regulates and controls the finance of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
  - iv. shall, subject to standing orders 6 (b) and (c) above appoint and determine the terms of office of members of such a committee;
  - v. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee .
  - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than 3.
  - vii. shall determine if the public may participate at a meeting of a committee.
  - viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and if public notice is required for the meetings of a sub-committee.
  - ix. shall determine if the public may participate at a meeting of a sub- committee that they are permitted to attend.
  - x. may dissolve a committee.

## 5. Ordinary Council meetings

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if any) of the Council.
- f The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chair of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next

annual meeting of the Council.

h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

j Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:.

- a.i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date.
- a.ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
- a.iii. Receipt of the minutes of the last meeting of a committee.
- a.iv. Consideration of the recommendations made by a committee.
- a.v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities.
- a.vi. Review of the terms of references for committees.
- a.vii. Receipt of nominations to existing committees.
- a.viii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- a.ix. Review and adoption of appropriate standing orders and financial regulations.
- a.x. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- a.xi. Review of representation on or work with external bodies and arrangements for reporting back.
- a.xii. (*England*) In a year of elections, to make arrangements with a view to the Council becoming eligible to exercise the power of general competence in the future .
- a.xiii. Review of inventory of land and assets including buildings and office equipment.
- a.xiv. Confirmation of arrangements for insurance cover in respect of all insured risks.
- a.xv. Review of the Council's and/or staff subscriptions to other bodies.
- a.xvi. Review of the Council's complaints procedure.
- a.xvii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- a.xviii. Review the Council's policy for dealing with the press/media
- a.xix. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
- a.xx. Determining the time and place of the ordinary meetings of standing committees up until the date of the next annual meeting of full Council.

- k District and County Councillors will, when present at a Full Council meeting have the right to contribute to a debate in accordance with these orders. They will not have voting rights nor will they be permitted to take part in confidential items

## **6. Extraordinary meetings of the Council and committees and sub-committees**

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

- c The Chair of a committee [and a sub-committee] may convene an extraordinary meeting of the committee [and sub-committee] at any time.
- d If the Chair of a committee [and a sub-committee] does not or refuses to call an extraordinary meeting within (7) days of having been requested by to do so by a majority of members of the committee, any two members of the committee [and sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

## **7. Previous resolutions**

- a A resolution shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of the majority of councillors of the Council, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion is moved pursuant to standing order 4 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **8. Voting on appointments**

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

## **9. Motions for a meeting that require written notice to be given to the Proper Officer**

- a A motion shall relate to the responsibilities of the meeting it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the meeting. Clear days does not include the day of the notice or the day of the meeting, Sundays or bank holidays.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- f Having consulted the Chair or councillors pursuant to standing order 4(e) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for its rejection.

## **10. Motions at a meeting that do not require written notice to the Proper Officer**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to move to a vote
  - ii. to defer consideration of a motion;
  - iii. to refer a motion to a particular committee or sub-committee
  - iv. to appoint a person to preside at a meeting;
  - v. to change the order of business on the agenda;
  - vi. to proceed to the next business on the agenda;
  - vii. to require a written report;
  - viii. to appoint a committee or sub-committee and their members;
  - ix. to extend the time limits for speaking;
  - x. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xi. to not hear further from a councillor
  - xii. exclude a councillor or member of the public for disorderly conduct;
  - xiii. to temporarily suspend the meeting;
  - xiv. to suspend a particular standing order (unless they reflect mandatory statutory requirements);
  - xv. to adjourn the meeting;
  - xvi. to close a meeting.

## **11. Handling confidential or sensitive information not in the public interest**

- a The agenda, papers that support the agenda, a meeting and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons is not in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons is not in the public interest
- c A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **12. Draft minutes**

- a If the draft minutes of a preceding meeting has been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c The accuracy of draft minutes, including amendment(s) carried in accordance with standing order 9(b) above, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the Bestwood Village Parish Council held on [date] in respect of [item] were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approve minutes exist shall be destroyed.

## 13. Code of conduct and dispensations

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting if he has a disclosable pecuniary interest or another interest in a matter that is being considered which restricts his participation in a discussion or vote on that matter. He may return to the meeting after it has considered the matter in which he had the interest.
- c Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before, or failing that, at the start of the meeting that the dispensation is required for.
- d A dispensation request shall confirm:
- i.i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - i.ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - i.iii. the date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought and
  - i.iv. an explanation as to why the dispensation is sought.
- e Subject to standing orders 7 (c) and (d) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee that the dispensation is required at and its decision as to whether or not to grant the dispensation is final
- f A dispensation may be granted in accordance with standing order 7(f) if having regard to all relevant circumstances the following applies:
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
  - ii. granting the dispensation is in the interests of persons living in the council's area or
  - iii. it is otherwise appropriate to grant a dispensation.

## 14. Proper Officer

The Council's Proper Officer shall be either (i) the clerk and (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

The Proper Officer shall:

- a. At least 3 clear days before a meeting of the Council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
- b. Give public notice of the time, place and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- c. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it.
- d. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.
- e. Facilitate inspection of the minute book by local government electors.
- f. Receive and retain copies of byelaws made by other local authorities.
- g. Retain acceptance of office forms from councillors.
- h. Retain a copy of every councillor's register of interests.
- i. Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the



- Council's policies and procedures relating to the same.
- j. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - k. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form.
  - l. Arrange for legal deeds to be signed by 2 councillors and witnessed.
  - m. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - n. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
  - o. Manage access to information about the Council via the publication scheme.

## **15. Responsible Financial Officer**

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## **16. Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **17. Financial controls and procurement**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c Subject to the financial regulations of a Council, the tender process for contracts for the supply of goods, materials, services shall include the following steps:
  - i. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm the (i) Council's specification (ii) time and date and address for the submission of tenders and (ii) date of the Council's written response to the tender (iii) prohibition on prospective contractors from contacting councillors or staff to encourage or support of their tender outside the prescribed process.

- iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened after the deadline for submission of tenders has passed by the Proper Officer in the presence of least one councillor ;
  - vi. tenders are to be reported to and considered by the appropriate meeting of Council or Committee or sub-committee.
- d Neither the Council, a committee or sub-committee, is bound to accept the lowest value tender.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## 18. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council committee is subject to standing order 12.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk & RFO The reviews and appraisal shall be reported in writing and is subject to approval by the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Clerk & RFO relates to the Chair or Vice-Chair this shall be communicated to another member which shall be reported back and progressed by resolution
- f Any persons responsible for all or part of the management of Council staff shall treat the written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 26(g) and (h) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26 above shall be provided only to the Chair of the Council in his absence the Vice Chair.

## 19. Code of conduct complaints England and Wales

- a Upon notification by the District Council that it is investigating a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 21, report this to the Council.
- b Where the notification in standing order 20 (a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer set out in the remainder of this standing order and who shall continue to act in respect of that matter until the complaint has been determined.
- c The Council may:
  - i. seek documentary and other evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - iii. grant the member involved an indemnity in respect of legal costs which is subject to approved by a meeting of the full Council
- d Upon notification by the District or Unitary Council that a councillor or non-councillor with rights has breached the Council's code of conduct, the Council may consider what if any action to take against him/her The Council cannot disqualify or suspend a person from office.

## **20. Requests for information**

- a Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out in standing order 3(b)(x) above.

## **21. Relations with the press/media**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **22. Execution and sealing of legal deeds**

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **23. Communicating with District and County Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda,

to the councillor of the District and County Council representing its electoral ward.

## **24. Restrictions on councillor activities**

- i. a Unless authorised by a resolution, no councillor shall inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## **25. Variation, revocation and suspension of standing orders**

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory or that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice whereof bears the names of at least 5 councillors.

## **26. Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- b The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting.