

**HEWORTH WITHOUT PARISH COUNCIL**

**STANDING ORDERS**

**2019**

**PRODUCED ACCORDANCE WITH MODEL STANDING  
ORDERS PRODUCED BY NALC 2018**

**APPROVED: JULY 2016  
REVIEWED AND APPROVED JULY 2018  
REVIEWED AND APPROVED JUNE 2019**

**TO BE REVIEWED AT ANNUAL MEETING OF  
HEWORTH WITHOUT PARISH COUNCIL – MAY 2020**

**In these Standing Orders any reference to 'the Council' shall mean Heworth without Parish Council.**

**1. Meetings**

a) Meetings shall not take place in premises, which at the time of the meeting, are use for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

b) Meetings of the Council shall be held on the third Monday of every month in Heworth without Community Centre, Applecroft Road, commencing at 7.00pm and to finish no later than 9.30pm.

c) Smoking is not permitted at any meeting of the Council.

d) All meetings shall be open to the press and 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.

e) A record of a public participation session at a meeting shall be recorded in the minutes of that meeting.

f) A person may not orally report or comment about a meeting, as it takes place, but otherwise may:

i) film, photograph or make an audio recording of a meeting,

ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later,

iii) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

- Provisions in SO 1(f) must be undertaken in line with **The Council's Policy on Effective Management of Recording at Parish Meetings.**

g) Subject to standings orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his/her absence be done by, to or before the Vice-Chairman.

h) The Chairman, if present shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present shall preside. If both are absent from the meeting, a Councillor shall be chosen by the Councillors present at the meeting shall preside at the meeting. The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

i) Subject to standing order p) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

j) The Chairman may have 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

k) Voting on any 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.

l) The minutes shall record the names of Councillors present and absent

m) The Code of Conduct adopted by the Council shall apply in respect of the entire meeting.

n) A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

o) No business may be transacted at a meeting unless one third of the whole number of the Council is present and in no case shall a quorum of a meeting be less than 3.

p) If a meeting is or becomes inquorate no business shall be transacted.

## **2. Annual Statutory (Council) Meeting**

a) In an election year the Annual Parish Council meeting shall be held on or within 14 days following the day on which the Councillors elected take office.

b) In a year which is not an election year the Annual Council Meeting shall be held on such a date in May as the Council direct.

c) If no other time is fixed, the annual meeting of the Council shall take place at 6pm.

d) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual Council meeting

e) The Chairman of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the annual council meeting until his successor is elected at the next annual council meeting.

f) The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual council meeting.

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

h) Following the election of the Chairman of the Council and the Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:

j) To receive the Chairman's declaration of acceptance of office, if not then received, to decide when it shall be received.

- Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows:

- i) In an election year, delivery by councillors of their declarations of acceptance of office.
- ii) Confirmation of the accuracy of the minutes of the last meeting of the Council
- iii) Review of delegation arrangements to employees and other local authorities.
- iv) Review and adoption of appropriate standing orders and financial regulations.
- v) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- vi) Review of representation on or work with external bodies and arrangements for

- reporting back.
- vii) Review of inventory of land and assets including buildings and office equipment.
  - viii) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - ix) Review of the Council's and/or employees' memberships of other bodies.
  - x) Establishing or reviewing the Council's complaints procedure.
  - xi) To answer questions from Councillors.
  - xii) If necessary, to authorise the signing of orders for payments.

### **3. Proper Officer and Responsible Financial Officer (RFO)**

a) The Council's proper Officer shall be the clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders.

b) The Council's Proper Officer shall do the following:

- i) Electronically serve on councillors a summons confirming the time, date venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting provided any such email contains the electronic signature and the title of the Proper Officer.
- ii) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council.
- iii) Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office in accordance with SO 3(i) or 3(ii) above.
- iv) Make available for inspection the minutes of meetings.
- v) Receive and retain copies of byelaws made by other local authorities.
- vi) Receive and retain declarations of acceptance of office from Councillors.
- vii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii) Keep proper records required before and after meetings.
- ix) Process all requests made under Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- x) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii) Arrange for legal documents to be signed by 2 Councillors and witnessed [see SO 14 (a)]
- xiii) Record every planning application notified to the Council and the Council's response to the local planning authority.
- xiv) Distribute planning applications via e-mail to Councillors for their attention within 7 working days of receipt.
- xv) Action or undertake activity or responsibilities instructed by resolution or contained within standing orders.
- xvi) Arrange for prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

### **4. Motions Requiring Written Notice.**

a) In accordance with SO 3 (b) (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 6 clear days before the next meeting.

b) The proper Officer may, before including a motion in the agenda received in accordance with SO 4 9a) above, correct obvious grammatical or typographical errors in the wording of the motion.

c) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **5. Motions not Requiring Written Notice**

a) Motions in respect of the following matters may be moved without written notice:

- i) To appoint a person to preside at a meeting.
- ii) To approve the absences of councillors.
- iii) To approve the accuracy of the minutes of the previous meeting.
- iv) To correct an inaccuracy in the minutes of the previous meeting.
- v) To dispose of business, if any, remaining from the last meeting.
- vi) To alter the order of business on the agenda for reasons of urgency or expedience.
- vii) To proceed to the next business on the agenda.
- viii) To close or adjourn debate.
- ix) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- xi) To receive nominations to a committee or sub-committee.
- xii) To dissolve a committee or sub-committee.
- xiii) To note the minutes of a meeting of a committee or sub-committee.
- xiv) To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi) To authorise legal deeds to be signed by two councillors and witnessed. (See standing orders 14(a) and (b) below.)
- xvii) To authorise the payment of monies.
- xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it?
- xix) To extend the time limit for speeches.
- xx) To exclude the press and public for all or part of a meeting.
- xxi) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii) To give the consent of the Council if such consent is required by standing orders.
- xxiii) To suspend any standing order except those which are mandatory by law.
- xxiv) To adjourn the meeting.
- xxv) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi) To answer questions from councillors.

#### **6. 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 The Clerk will be required to compile and hold a register of member's pecuniary interests in

accordance with agreement reached with Monitoring Officer of the Responsible Authority (City of York Council)

- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- d Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- e Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible **before the meeting**, or failing that, at the start of the meeting for which the dispensation is required.
- f A decision as to whether to grant a dispensation shall be made by a meeting of the council, and that decision is final.
- g A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required
- i A dispensation may be granted in accordance with standing order 13(e) above 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.

## **7. Code of conduct complaints**

- a Upon notification by City of York Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, report this to the council.
- b Where the notification in standing order 6(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and

the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined [(England) and the council has agreed what action, if any, to take.

c The council may:

- i) provide information or 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;

d Upon notification by the City of York Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

### **8. Questions**

- a) A councillor may ask the Chairman of the Council or the Clerk any question concerning the business of the Council.
- b) Every question shall be put and answered without discussion.

### **9. Minutes**

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chairman 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 Chairman of this meeting does not believe that the minutes of the meeting of the ----- held on [date] in respect of Item --- were a correct record but his view was not upheld by the majority of the ----- 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, any previous draft minutes or recordings of the meeting shall be destroyed.

### **10. Disorderly Conduct**

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order 10 (a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting
- c) If a resolution made in accordance with standing order 10b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

### **11. Rescission of Previous Resolutions**

A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 5 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

### **12. 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. Any tie may be settled by the Chairman's casting vote.

### **13. Expenditure**

a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

b) The Council's financial regulations shall be reviewed once a year.

c) The Council's financial regulations may make provision for the authorisation of the payment of money, in exercise of any of the Council's functions,

d) Any contract for goods or services expected to be valued at £500 or above shall require at least 3 quotes for said goods or services.

### **14. Execution of Legal Deeds**

See also standing order 5(a) (xvi) above

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.

### **15. Extraordinary Meetings**

See also SO 1 above

a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those 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.

### **16. Advisory Committees**

See also SO 1 above

- a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

#### **17. Accounts and Financial Statement (see Financial Regs)**

- 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 on a monthly basis a statement summarising the Council's receipts and payments and the balances held. This statement should include a comparison with the budget for the financial year.
- c) A Financial Statement prepared on the appropriate accounting basis (income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of April.
- d) 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 6<sup>th</sup> June.
- e) Where it is necessary to make payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer with the approval of the Chairman or Vice Chairman of the Council.
- f) All payments ratified under paragraph 17 (e) shall be separately included in the next schedule of payments before the Council.
- g) Orders for the payment of money shall be authorised by resolution of the Council and cheques signed by two Councillors.
- h) Delegated powers shall be granted to the Clerk/ Responsible Financial Officer for expenditure in respect of postage, telephone and stationery relating to the business of the Council to a maximum of £100 in any one month and the case of an emergency that of £300.

#### **18. Estimates/Precepts**

- a) The Council shall approve written estimates/BUDGET for the coming financial year at its meeting before the end of January.

#### **19. Inspection of Documents**

- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.
- b) The minutes of meetings of the Council shall be available for inspection by councillors.

#### **20. Unauthorised Activities**

- a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council.

- i) Inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii) Issue orders, instructions or directions.

**21. Confidential Business**

- a. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b. A councillor in breach of the provisions of standing order 21(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

**22. Matters Affecting Council Employees**

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b) Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman or in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c) This council shall upon a resolution conduct a review of the performance and/or appraisal of Council employees and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by the Council
- d) Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Council
- f) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 22 (g) and (h) above if so justified.
- j) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 22(g) and (h) above shall be provided only to Clerk/ RFO and the Chairman of the Council

**23. Freedom of Information Act 2000**

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of 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 under standing order 3(b)(x) above

c) The Council will publish information required by the relevant Transparency Code, as required - If gross annual income or expenditure (whichever is higher) does not exceed £25,000 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

#### **24. Management of Information – Data Protection**

a) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

b) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

e) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

f) The Council shall have a written policy in place for responding to and managing a personal data breach.

g) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

h) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

i) The Council shall maintain a written record of its processing activities.

#### **25. Relations with the Press/Media**

a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

b) In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

#### **26. Financial Matters – (see FINANCIAL REGS)**

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 keeping of accounting records and systems of internal controls;

- ii the assessment and management of financial risks faced by the council;
  - iii the work of the independent internal auditor in accordance with proper practices 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; and
  - v procurement policies for contracts of all levels (subject to standing order 18(c) below) and requirements under the Public Contract Regulations 2015.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall satisfy the requirements of the Public Contract Regulations 2015 and will be procured on the basis of a formal tender as summarised in standing order 18(d) below. The council will advertise the contract opportunity on the Contract Finder website.
- d. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support 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 by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- g. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds

determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

### **27. Allegations of Breaches of the Code of Conduct**

a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman of the Council.

b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.

c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
- Ensure that any background papers containing the information set out in standing order 27(a) above are not made public.
- Ensure that the public and press are excluded from meetings as appropriate.
- Ensure that the minutes of meetings preserve confidentiality.
- Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.

e) Standing order 27 above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

f) The Council (including the Proper Officer and the Chairman of the Council) shall have the power to:

- Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
- Seek and share information relevant to the complaint;
- Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

g) References in standing order 27 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

### **28. Variation, Revocation and Suspension of Standing Orders**

a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

b) A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 5 councillors.

**28. Standing Orders to be Given to Councillors**

- a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b) The Chairman's decision as to the application of standing orders at meetings 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 in accordance with standing orders.

**These Standing Orders are to be reviewed at the Annual Meeting of the Council 2019.**