

ELMSTED PARISH COUNCIL

Standing Orders

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PREFACE

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements stemming from the Local Government Act 1972 and related Statutory Instruments.

Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer and those for Elmsted are contained in a separate document.

1 ANNUAL MEETING

- 1.1 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.**
- 1.2 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.**
- 1.3 If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- 1.4 The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- 1.5 The Chairman 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.**
- 1.6 The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- 1.7 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.**
- 1.8 In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- 1.9 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 business of the annual meeting shall include:**
 - 1.9.1 In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - 1.9.2 Confirmation of the accuracy of the minutes of the last meeting of the council;
 - 1.9.3 Review and adoption of appropriate standing orders and financial regulations;
 - 1.9.4 Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - 1.9.5 Review of representation on or work with external bodies and arrangements for reporting back;
 - 1.9.6 In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - 1.9.7 Review of inventory of land and assets including buildings and office equipment;
 - 1.9.8 Confirmation of arrangements for insurance cover in respect of all insured risks;
 - 1.9.9 Review of the council's and/or staff subscriptions to other bodies;
 - 1.9.10 Review of the council's complaints procedure;
 - 1.9.11 Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - 1.9.12 Review of the council's policy for dealing with the press/media; and
 - 1.9.13 Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

2 ORDINARY COUNCIL MEETINGS

2.1 **In addition to the annual meeting of the council, at least four ordinary meetings shall be held in each year on such dates and times as the council directs.**

3 MEETINGS GENERALLY

3.1 **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.**

3.2 **The minimum three 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.**

3.3 **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.**

3.4 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

3.5 The period of time designated for public participation at a meeting in accordance with standing order 1.3.4 above shall not exceed 30 minutes unless directed by the chairman of the meeting.

3.6 Subject to standing order 3.5 above, a member of the public shall not speak for more than **15** minutes.

3.7 In accordance with standing order 3.4 above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

3.8 A person shall remain seated when requesting to speak and when speaking unless the chairman of the meeting asks the person to stand.

3.9 A person who speaks at a meeting shall direct his comments to the chairman of the meeting.

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

3.11 No person may orally report or comment about a meeting as it takes place if he is present at the meeting of the parish council or its committees but otherwise may:

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

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

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

3.12 **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

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

3.14 **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 the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

3.15 **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.

- 3.16 **The chairman 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.**
See standing orders 1.7 and 1.8 above for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- 3.17 **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.
- 3.18 The minutes of a meeting shall include an accurate record of the following:
- 3.18.1 the time and place of the meeting;
 - 3.18.2 the names of councillors present and absent;
 - 3.18.3 interests that have been declared by councillors and non-councillors with voting rights;
 - 3.18.4 whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - 3.18.5 if there was a public participation session; and
 - 3.18.6 the resolutions made.
- 3.19 **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.**
- 3.20 **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
- 3.21 **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.
- 3.22 A meeting shall not exceed a period of **3** hours.
- 3.23 All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

4 RULES OF DEBATE AT MEETINGS

- 4.1 Any motion or other matter requiring a decision of the Council shall be placed on the agenda and, where appropriate, sufficient information shall be circulated in advance of the meeting to allow informed debate. The chairman of the meeting shall ensure that discussion is orderly and gives each councillor a fair opportunity to speak.
- 4.2 When a motion is under debate, no other motion shall be moved except:
- 4.2.1 to amend the motion;
 - 4.2.2 to proceed to the next business;
 - 4.2.3 to adjourn the debate;
 - 4.2.4 to put the motion to a vote;
 - 4.2.5 to ask a person to be no longer heard or to leave the meeting;
 - 4.2.6 to exclude the public and press;
 - 4.2.7 to adjourn the meeting; or
 - 4.2.8 to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

- 4.3 Before any matter is put to the vote, the chairman of the meeting shall be satisfied that it has been sufficiently debated.
- 4.4 Excluding motions moved under standing order 4.2 above, the contributions or speeches by a councillor shall relate only to the matter under discussion. The chairman of the meeting shall curtail any contributions or speeches that s/he considers too lengthy.
- 4.5 The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

5 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- 5.1 A motion shall relate to the responsibilities of the meeting which 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.
- 5.2 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 Proper Officer at least **2** clear days before the agenda for the meeting is published. Clear days do not include the day of the notice or the day the agenda is published.
- 5.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 5.4 If the Proper Officer considers the wording of a motion received in accordance with standing order 5.2 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 the day before the agenda is published.
- 5.5 If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman 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 in the agenda or rejected.
- 5.6 Subject to standing order 5.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 5.7 The Proper Officer shall keep a record of any motions that are rejected together with an explanation for their rejection.
- 5.8 A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 above.

6 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- 6.1 The following motions may be moved at a meeting without written notice to the Proper Office
 - 6.1.1 to correct an inaccuracy in the draft minutes of a meeting;
 - 6.1.2 to move to a vote;
 - 6.1.3 to defer consideration of a motion;
 - 6.1.4 to appoint a person to preside at a meeting;
 - 6.1.5 to change the order of business on the agenda;
 - 6.1.6 to proceed to the next business on the agenda;
 - 6.1.7 to require a written report;
 - 6.1.8 to extend the time limits for speaking;

- 6.1.9 to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- 6.1.10 to not hear further from a councillor or a member of the public;
- 6.1.11 to exclude a councillor or member of the public for disorderly conduct;
- 6.1.12 to temporarily suspend the meeting;
- 6.1.13 to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- 6.1.14 to adjourn the meeting; or
- 6.1.15 to close a meeting.

7 EXTRAORDINARY MEETINGS OF THE COUNCIL

- 7.1 **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 7.2 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven 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 public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

8 DISORDERLY CONDUCT AT MEETINGS

- 8.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 8.2 If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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.
- 8.3 If a resolution made under standing order 8.2 above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

9 PREVIOUS RESOLUTIONS

- 9.1 No resolution or decision shall be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 5 above.
- 9.2 When a motion moved pursuant to standing order 9.1 above has been disposed of, no similar motion may be moved within a further six months.

10 WORKING GROUPS

- 10.1 The Council may appoint 2 or more councillors as a working group to examine a specified topic and report their findings to the full Council as appropriate.

11 VOTING ON APPOINTMENTS

- 11.1 Where more than two 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 chairman of the meeting.

12 HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- 12.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 12.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would be in the public interest.

13 DRAFT MINUTES

- 13.1 If the draft minutes of a preceding meeting have 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.
- 13.2 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 moved in accordance with standing order 6.1.1 above.
- 13.3 The accuracy of draft minutes, including any amendment(s) made to them, 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.
- 13.4 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 Elmsted Parish Council held on *[insert date]* in respect of *(insert 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."
- 13.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14 CODE OF CONDUCT AND DISPENSATIONS

- 14.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- 14.2 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.
- 14.3 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.
- 14.4 **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.
- 14.5 A decision as to whether to grant a dispensation shall be made by a meeting of the council, and that

decision is final.

- 14.6 A dispensation request shall confirm:
- 14.6.1 the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - 14.6.2 whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - 14.6.3 the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - 14.6.4 an explanation as to why the dispensation is sought.
- 14.7 Subject to standing orders 14.3 and 14.6 above, dispensation requests shall be considered at the beginning of the meeting of the council for which the dispensation is required.
- 14.8 **A dispensation may be granted in accordance with standing order 14.5 above if having regard to all relevant circumstances the following applies:**
- 14.8.1 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**
 - 14.8.2 granting the dispensation is in the interests of persons living in the council's area; or**
 - 14.8.3 it is otherwise appropriate to grant a dispensation.**

15 CODE OF CONDUCT COMPLAINTS

- 15.1 Upon notification by Canterbury City 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, subject to standing order 12 above, report this to the council.
- 15.2 Where the notification in standing order 15.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate a member of the Council to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 15.4 below.
- 15.3 The council may:
- 15.3.1 provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - 15.3.2 seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 15.4 **Upon notification by Canterbury City 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 or her. Such action excludes disqualification or suspension from office.**

16 PROPER OFFICER

- 16.1 The Proper Officer shall be either (i) the Clerk; or (ii) other staff member nominated by the council to

undertake the work of the Proper Officer when the Proper Officer is absent; or (iii) a member of the Council elected at a meeting of the council.

16.2 The Proper Officer shall:

- 16.2.1 At least three clear days before a meeting of the council 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
(See standing order 3.2 above for the meaning of clear days for a meeting of a full council);
- 16.2.2 **give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
- 16.2.3 subject to standing order 5 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 clear days before the meeting confirming his withdrawal of it;
- 16.2.4 **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- 16.2.5 facilitate inspection of the minute book by local government electors;
- 16.2.6 **receive and retain copies of byelaws made by other local authorities;**
- 16.2.7 retain acceptance of office forms from councillors;
- 16.2.8 retain a copy of every councillor's register of interests;
- 16.2.9 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;
- 16.2.10 receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- 16.2.11 manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- 16.2.12 arrange for legal deeds to be executed *(See also standing order 23 below);*
- 16.2.13 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;
- 16.2.14 record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- 16.2.15 refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council, if any, within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council
- 16.2.16 manage access to information about the council via the council's website and any Freedom of Information publication scheme.
- 16.2.17 at least 3 clear days before a meeting of the council, send an invitation to attend the meeting, together with the agenda, to the councillor(s) of Canterbury City Council who represent the ward that includes the Parish of Elmsted; and, unless the council directs otherwise, send the said ward councillors a copy of all formal communications that the Proper Officer issues on behalf of the council.
- 16.2.18 provide a copy of the council's standing orders to a councillor as soon as possible after he or she has delivered his/her acceptance of office form.

17 RESPONSIBLE FINANCIAL OFFICER

- 17.1 The council shall appoint the Proper Officer or a member of the council, to undertake the work of the

Responsible Financial Officer together with a deputy to act when the Responsible Financial Officer is absent.

18 ACCOUNTS AND ACCOUNTING STATEMENTS

- 18.1 “Proper practices” in these standing orders refer to the most recent version of *Governance and Accountability for Local Councils – a Practitioners’ Guide*.
- 18.2 All payments made by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s Financial Regulations document.
- 18.3 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement which includes a comparison with the budget for the financial year and highlights any actual or potential overspends, and which summarises:
- 18.3.1 the council’s receipts and payments for each quarter;
 - 18.3.2 the council’s aggregate receipts and payments for the year to date;
 - 18.3.3 the balances held at the end of the quarter being reported
- 18.4 As soon as possible after the financial year-end at 31 March, the Responsible Financial Officer shall provide each councillor with a statement summarising the council’s receipts and payments for the full year to date; and provide to the full council the accounting statements for the financial year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- 18.5 The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

19 FINANCIAL REGULATIONS

- 19.1 The council shall consider and approve a document of financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 19.1.1 the keeping of accounting records and systems of internal controls;
 - 19.1.2 the assessment and management of financial risks faced by the council;
 - 19.1.3 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;
 - 19.1.4 the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and
 - 19.1.5 policies (subject to standing order 19.3 below) for the proper procurement of any goods and/or services that the council needs to purchase including provisions for the acquisition of two or more quotations when appropriate.
- 19.2 The Financial Regulations shall be reviewed regularly for fitness of purpose and ordinarily such reviews should be conducted annually.
- 19.3 **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.

20 HANDLING STAFF MATTERS

- 20.1 A matter personal to a member of staff that is being considered by a meeting of the council is subject to standing order 12 above.
- 20.2 Subject to the council's policy regarding absences from work occasioned by illness or other reason, the Proper Officer shall notify the Chairman or, if he/she is not available, any other councillor of the reason(s) for the absence and that person shall report such absence to the council at its next meeting.
- 20.3 The Chairman or in his/her absence, the Vice-chairman (if any) shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. Such reviews and appraisal shall be reported in writing and are subject to approval by resolution of the council.
- 20.4 Subject to the council's policy regarding the handling of grievance matters, and subject to standing order 20.5, the Proper Officer shall notify the Chairman or in his/her absence, the Vice-chairman (if any) of any informal or formal grievance matter that the Proper Officer may have, and this matter shall be reported back to the council and progressed by appropriate resolution.
- 20.5 If an informal or formal grievance matter of the Proper Officer arising under order 20.3 relates to the Chairman or Vice-chairman the matter concerned shall be communicated to another member of the council, which shall be reported back to the council by that member and progressed by resolution of the council.
- 20.6 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 20.7 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.
- 20.8 Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20.6 and 20.7 above shall be held by the Chairman of the council and another councillor nominated by the Chairman.

21 REQUESTS FOR INFORMATION

- 21.1 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.
- 21.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the council for direction as to action required to facilitate compliance with the Freedom of Information Act 2000.

22 RELATIONS WITH THE MEDIA

- 22.1 Requests from the press or other media for an oral or written comment or statement from the council, its

councillors or staff shall be tabled by the Proper Office on the agenda for the next meeting to be considered in accordance with the council's policy (if any) in respect of dealing with the press and/or other media.

23 EXECUTION OF LEGAL DEEDS

23.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

23.2 **Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

24 RESTRICTIONS ON COUNCILLOR ACTIVITIES

24.1 Unless specifically authorised by a resolution of the council, no councillor shall independently:

24.1.1 inspect any land and/or premises in respect of which the council has a right or duty to inspect or;

24.1.2 issue orders, instructions or directions that are binding upon the council.