STANDING ORDERS FOR GENERAL PROCEDURES

(THESE STANDING ORDERS DO NOT RELATE TO PROCEEDINGS AT MEETINGS)

1. Interpretation

In these Standing Orders –

“the 1972 Act” means the Local Government Act 1972, as amended

“Chief Executive” means the Head of the Council’s Paid Service

“Chief Officer” means -

the Chief Executive;

the Monitoring Officer;

the officer responsible for the proper administration of the Council’s financial affairs under section 151 of the 1972 Act; and

any other person the Council designates as a Chief Officer, and whose name is entered as such in a list which may be inspected by the public.

“Executive” has the meaning assigned by Part II of the Local Government Act 2000

“Monitoring Officer” means the person appointed under section 5 of the Local Government and Housing Act 1989

“Panel” means an Overview and Scrutiny Panel

“Sub-Committee“ means any group, whether or not called a Sub-Committee, which is appointed by the Executive, a Committee or Panel for specified purposes.

STANDING ORDERS RELATING MAINLY TO MEMBERS

2. Members' Disclosable Pecuniary and Non-Pecuniary Interests

All members shall disclose to the Monitoring Officer their disclosable pecuniary interests, as required by legislation.

All members shall disclose to the Monitoring Officer their membership, or position of general control or management, of any body:

(a) to which the Council has appointed or nominated them; or

(b) exercising functions of a public nature; or

(c) directed to charitable purposes; or

(d) one of whose principal purposes includes the influence of public opinion or policy.

The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection.

Members shall notify any changes to the interests referred to in this Standing Order to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.

(Note: this is in addition to the requirement to disclose interests at meetings referred to in Standing Orders for Meetings)

3. Voluntary Disclosure of Interests

3.1 Members may voluntarily disclose their membership of associations, clubs, and societies, other than those they are required to disclose under the law or Standing Orders. The Monitoring Officer shall record any voluntary disclosures in a Register of Interests. Any member of the Council may inspect the Register during office hours.

3A. Disclosure of Gifts and Hospitality

All members shall disclose to the Monitoring Officer, within 28 days of receipt, any gifts or hospitality they receive in their official capacity with an estimated value of £50 or more.

The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection.

4. Members' Allowances

4.1 Members shall be entitled to be paid allowances under the terms of a scheme agreed by the Council, in exercise of powers conferred by the Local Authorities (Members' Allowances) Regulations and any other relevant legislation, following an independent review. A copy of the agreed scheme shall be sent to all members.

5. Member/Officer Relations

5.1 The Council shall approve a Local Code for Member/Officer relations.

6. Inspection of Documents

6.1 Some documents which the Council, the Cabinet, a Committee, Sub-Committee or Panel considers are not available for public inspection. A Council member may inspect such a document for the **proper performance** of their duty as a member, but not otherwise. The member shall notify the Chief Executive of their desire to inspect the document, and the Chief Executive shall supply them with a copy. The member's right to inspect any document is subject to Standing Order 6.3.

6.2 A member shall not knowingly inspect, and shall not request a copy of, any document under 6.1 which relates to a matter:

in which they are professionally interested; or

in which they have any disclosable pecuniary interest.

6.3 The Chief Executive or the Monitoring Officer may not allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from a Solicitor/client relationship.

6.4 Any member of the Council may inspect reports or minutes kept by the Cabinet, any Committee, Sub-Committee or Panel as soon as the Cabinet, Committee, Sub-Committee or Panel has completed its action on the matter to which the reports or minutes relate. Reports or minutes kept by the Cabinet include any documents which contain material relating to a decision made on the Cabinet's behalf under delegated powers.

7. Inspection of Land, Premises etc

7.1 No member shall issue any order concerning works which are being carried out by or on behalf of the Council, nor inspect or enter any land or premises, solely because of their Council membership.

8. Confidentiality

8.1 All agenda, reports and other documents, and all proceedings of the Cabinet, Committees, Sub-Committees and Panels, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

See also Standing Orders for Meetings No 19 concerning discussion of confidential reports outside a meeting.

9. Canvassing of and Recommendations by Members

9.1 Canvassing members of the Council, the Cabinet or any Committee or Panel, either directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment. The effect of this paragraph shall be included on all application forms.

9.2 A member of the Council shall not solicit for any person any appointment under the Council. This shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

See also Standing Order 17.1(d) concerning relationships between members and candidates for Council posts.

10. Standing Orders to be given to members

10.1 The Chief Executive shall ensure each Council member has access to:

these Standing Orders; and

any statutory provisions which regulate Council proceedings and business,

when the member declares acceptance of the office of Councillor after the first time they are elected to the Council.

STANDING ORDERS RELATING MAINLY TO OFFICERS

11. Discharge of Functions by Officers

11.1 Subject to any express provision in the Local Government Acts, the Council may arrange for named Council officer(s) to discharge any of its functions.

12. Custody of Seal

12.1 The Chief Executive shall keep the Common Seal of the Council in a safe place.

13. Sealing of Documents

13.1 The Common Seal of the Council shall be fixed to a document when the affixing of the Seal is required following a decision by the Council, Cabinet (including a decision made on its behalf under delegated powers), a Committee, Panel or Sub-Committee, or a decision by an officer under delegated powers, which authorises the action set out in that document. For the avoidance of doubt, the affixing of the Seal may be undertaken electronically.

13.2 The Chief Executive, Strategic Directors, Assistant Directors, Service Managers (and such other officers as they authorise), may attest the seal.

13.3 Every sealing shall be recorded, consecutively numbered, in a register kept for the purpose, which shall record the name of the officer attesting the seal.

14. Interest of Officers in Contracts

14.1 The Chief Executive shall record in a register details of any notice a Council officer gives of a pecuniary interest under Section 117 of the 1972 Act. Any Council member may inspect the Register during office hours.

14.2 Council officers may voluntarily disclose their membership of associations, clubs, and societies, including such organisations as the Freemasons, Trades Unions, voluntary bodies and political parties. The Chief Executive shall record any voluntary disclosures in a register. Any member of the Council may inspect the register during office hours.

15. Appointment of Chief Officers and Monitoring Officer - Advertisement, Shortlist and Interview

15.1 Where the Council proposes to appoint a Chief Officer, and does not propose that the appointment shall be made exclusively from among existing Council officers, it shall:

(a) draw up a statement specifying:

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

The General Purposes and Licensing Committee may take this action where the Chief Executive is to be appointed. The Chief Executive may take this action where any other Chief Officer is to be appointed.

15.2 (a) Where a post has been advertised as 15.1(b), the Council shall:

(i) interview all qualified applicants for the post, or

(ii) select a short list of qualified applicants and interview those included on the short list.

(b) Where no qualified person has applied, the Council shall make further arrangements for advertisement under 15.1(b).

The Council may authorise a Committee, Sub-Committee or the Chief Executive to take this action on its behalf.

15.3 Standing Order 15A also applies when it is proposed to appoint a Chief Officer (except the Monitoring Officer).

15A. Appointment of Chief Officers and deputy chief officers, and notification of proposals to the Executive.

15A.1 This Standing Order applies to appointments to the following posts:

Chief Officers, as defined in Standing Order 1, but excluding the Monitoring Officer;

non-statutory chief officers within the meaning of section 2(7) of the Local Government and Housing Act 1989; and

deputy chief officers within the meaning of section 2(8) of the Local Government and Housing Act 1989.

The Chief Executive shall maintain a list of posts falling within the definition of non-statutory chief officer, and deputy chief officer.

15A.2 The Council shall approve the appointment of every Chief Officer before an offer of appointment is made.

The Council, a Committee, Sub-Committee or officer, as appropriate, shall appoint other officers to whom this Standing Order relates. Normally, the appointment shall be made by an officer. If, exceptionally, the appointment is made by a Committee or Sub-Committee, at least one member of the Executive shall be a member of that Committee or Sub-Committee.

15A.3 When an officer (or the Council, a Committee or a Sub-Committee) wishes to make an offer of appointment to any of the posts to which this Standing Order applies, they shall inform the Head of Human Resources of:

(a) the name of the person to whom they wish to make the offer, and

(b) any other particulars which they consider relevant to the appointment.

15A.4 The Head of Human Resources shall notify to every member of the Cabinet:

(a) the information in 15A.3 (a) and (b) above; and

(b) that the Leader of the Council, on behalf of the Cabinet, should inform the Head of Human Resources of any objection to the making of the offer, and that any objection must be received by the Head of Human Resources within 5 working days from the date of the notification.

15A.5 The offer of appointment in 15A.3 shall not be made until either:

(a) the Leader has notified the appointing person or body that no member of the Executive objects to the offer being made; or

(b) the Head of Human Resources has notified the appointing body or person that no objection was received from the Leader within 5 working days of the notification to the Executive; or

(c) if an objection from the Leader has been received within the 5 working day period, the appointing person or body is satisfied that any objection is not material or not well-founded.

15B. Appointment of Monitoring Officer

15B.1 The Council shall appoint a Monitoring Officer. The Monitoring Officer shall not be the Chief Executive. Standing Order 15A shall not apply to the appointment of the Monitoring Officer.

15C. Other Appointments

Subject to these Standing Orders, appointments of all employees shall be made in accordance with the Council's agreed procedures (as contained in the Management Advice Notes). Appointment of persons whose posts do not fall within the definition in Standing Order 15A.1 shall be made by the Chief Executive or an officer nominated by them.

16A. Dismissal of Chief Officers and deputy chief officers, and notification of proposals to the Executive.

16A.1 This Standing Order applies to dismissals from the following posts:

Chief Officers, as defined in Standing Order 1;

non-statutory chief officers within the meaning of section 2(7) of the Local Government and Housing Act 1989; and

deputy chief officers within the meaning of section 2(8) of the Local Government and Housing Act 1989.

The Chief Executive shall maintain a list of posts falling within the definition of non-statutory chief officer, and deputy chief officer.

16A.2 The Council must approve the dismissal of every Chief Officer before notice of dismissal is given to them.

The Council, a Committee, Sub-Committee or officer, as appropriate, shall approve the dismissal of other officers to whom this Standing Order applies. Normally, the dismissal shall be made by an officer. If, exceptionally, the dismissal is made by a Committee or Sub-Committee, at least one member of the Cabinet shall be a member of that Committee or Sub-Committee.

16A.3 When an officer (or the Council, a Committee or a Sub-Committee) proposes to dismiss an employee from any of the posts to which this Standing Order applies, they shall inform the Head of Human Resources of:

(a) the name of the officer they propose to dismiss, and

(b) any other particulars which they consider relevant to the dismissal.

16A.4 The Head of Human Resources shall notify to every member of the Cabinet:

(a) the information in 16A.3 above; and

(b) that the Leader of the Council, on behalf of the Cabinet, should inform the Head of Human Resources of any objection to the dismissal, and that any objection must be received by the Head of Human Resources within 5 working days from the date of the notification.

16A.4 Notice of dismissal shall not be given until either:

(a) the Leader has notified the dismissing person or body that no member of the Cabinet objects to the dismissal; or

(b) the Head of Human Resources has notified the dismissing body or person that no objection was received from the Leader within 5 working days of the notification to the Cabinet; or

(c) if an objection from the Leader has been received within the 5 working day period, the dismissing person or body is satisfied that any objection is not material or not well-founded.

16B Dismissal of Statutory Chief Officers

16B.1. This Standing Order applies to the Chief Executive, the Monitoring Officer, and the officer responsible for the proper administration of the Council's financial affairs under section 151 of the 1972 Act ("the Statutory Chief Officers").

(a) In this Standing Order:

"independent person" means a person appointed under section 28(7) of the Localism Act 2011;

"local government elector" means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;

"the Panel" means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the Statutory Chief Officers of the Council;

"relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss a Statutory Chief Officer.

(b) The Council may not dismiss a Statutory Chief Officer unless the procedure set out in the following paragraphs is complied with.

(c) The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. "Relevant independent person" means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

(d) Subject to (e) below, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (c) in accordance with the following priority order—

(i) a relevant independent person who has been appointed by the Council and who is a local government elector;

(ii) any other relevant independent person who has been appointed by the Council;

(iii) a relevant independent person who has been appointed by another authority or authorities.

(e) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph (d), but may do so.

(f) The Council must appoint any Panel at least 20 working days before the relevant meeting.

(g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—

(i) any advice, views or recommendations of the Panel;

(ii) the conclusions of any investigation into the proposed dismissal; and

(iii) any representations from the officer who is the subject of the proposed dismissal.

(h) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.

16C. Other Officer Dismissals and Disciplinary Action

16C.1 Subject to these Standing Orders, dismissals of and disciplinary action in respect of all employees shall be made in accordance with the Council's agreed procedures (as contained in the Management Advice Notes). Dismissal of and disciplinary action against persons whose posts do not fall within the definition in Standing Order 16A.1 shall be made by the Chief Executive or an officer nominated by them.

17. Relatives of Members of Officers

17.1 (a) A candidate for any Council appointment who knows that they are related to any member or senior officer of the Council, shall disclose that relationship to the appointing Strategic Director or Service Manager when they apply for the post. A candidate for the post of Chief Executive or Strategic Director shall disclose the relationship to the Leader of the Council.

(b) The appointing Strategic Director/Service Manager or the Leader shall notify the Head of Human Resources in writing of the disclosure.

(c) A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal.

(d) Every member and senior officer of the Council shall disclose to the appointing Strategic Director/Service Manager or the Leader any relationship they know to exist between themself and any person who they know is a candidate for an appointment under the Council.

17.2 The effect of Standing Order 17.1 shall be included on all application forms.

17.3 For the purpose of this Standing Order

'senior officer' means:

any Chief Officer;

any other post the Chief Executive so designates, and a list of posts so designated shall be kept, and shall be made available for public inspection.

"partner" means persons who are legally married, in a civil partnership, or living together as co-habitees

An applicant is "related" to a member or senior officer if the applicant or their partner has any of the following relationships with the member/senior officer, or with the member/senior officer's partner:

son or daughter

grandson or granddaughter

brother or sister

nephew or niece.

See also Standing Order 9 – Canvassing of and recommendations by Members.

18. Variation and Revocation of Standing Orders

18.1 Any proposal to add to vary or revoke these Standing Orders, whether on a motion or otherwise, shall be referred to the General Purposes and Licensing Committee. The General Purposes and Licensing Committee shall make a recommendation on it to the Council.

19. Interpretation of Standing Orders for General Procedures

19.1 The Monitoring Officer may rule on the construction or application of any of these Standing Orders for General Procedures. Their ruling shall not be challenged.