

Part Four, Section C

Miscellaneous Standing Orders

MISCELLANEOUS STANDING ORDERS

Electronic Execution

References in these Standing Orders to sealing, signing and attesting or the Common Seal includes electronic sealing, signing and attesting by electronic means as approved by the Monitoring Officer.

1. SEAL OF THE COUNCIL

- (1) The common seal of the Council shall be kept in a safe place in the custody of the Director of Legal and Governance.
- (2) The common seal of the Council shall be affixed to a document only on the authority of:
 - (a) a resolution of the Council;
 - (b) a decision by the Council, or by a duly authorised Committee, Sub-Committee or officer, to do anything where a document under the common seal is necessary to complete the action.

Such authority shall apply equally to the affixing of the Common Seal by electronic means,

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- (3) On civic or ceremonial occasions, the seal shall be attested by the Mayor or Deputy Mayor or another member of the Council and by the Chief Executive or Director of Legal & Governance.
- (4) On all other occasions the Seal on documents shall be attested in accordance with Article 14.05 (in Part 2) or by any one of the following officers:
 - Chief Executive
 - Chief Finance (section 151) Officer
 - Director of Legal and Governance
 - Head of Legal Services
 - any officer authorised by the Director of Legal and Governance either in relation to a specific document or particular categories of documents

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Where the Common Seal is affixed by electronic means, attestation may be given by electronic means by any of the officers listed above.

- (5) An entry of every sealing of a document must be made and numbered consecutively in the book kept for the purpose and each entry must be signed by the person or persons who attested the Seal. Where the Common Seal is affixed electronically the record of sealing may be kept in electronic form and the entry and attestation may be made and signed by electronic means.
- (6) The Director of Legal & Governance, or in his/her absence the Assistant Head of Legal Services, is authorised to sign any document to secure the effective administration of the functions for which the Legal Service is responsible, or any document to secure the effective implementation of any function, power, duty, policy, programme or decision of the Council or of any Committee, Sub-Committee, or other body or Director acting within their terms of reference and delegated powers.

2. ATTESTATION OF DOCUMENTS

- (1) Any notice, order or other document which a local authority are authorised or required by or under any enactment to give, make or issue under any enactment may be signed on behalf of the authority by the relevant Director as proper officer of the authority.
- (2) Any document purporting to bear the signature of the relevant Director as proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.
- (3) In addition to any other person who may be authorised by resolution of the Council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Head of the authority's Paid Service, the Director of Legal and Governance, and any Director of the Council concerned with the matter to which the document relates or any officer authorised in writing by such persons, save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Director of Legal and Governance in accordance with Article 14.04

3. PAPERS AND ADVICE

In accordance with the Access to Information Procedure Rules at Section D of this Part 4:

- (1) The agenda and papers for consideration at any meeting will normally be despatched to appropriate members of the Council leaving at least 5 clear days before the meeting.

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- (2) Services shall ensure that all papers are delivered to the Democratic Services Manager leaving at least 7 clear days before the meeting (e.g. on Friday for a meeting on Wednesday 12 days later).
- (3) The Chair of a Committee, Sub-Committee, or other body may only allow a late item/report to be considered at a meeting if satisfied that there are special circumstances. The special circumstances which, in the Chair's opinion, justify such action must be recorded in the Minutes of the meeting.
- (4) The agenda and papers for any part of a meeting open to the public shall be made available for inspection by members of the public.

4. CONFIDENTIALITY OF REPORTS

Exempt Reports

- (1) Reports and documents which are to be presented to meetings of the Council or of Committees, Sub-Committees, or other bodies and which in the opinion of the Director of Legal and Governance are likely to be the subject of a resolution to exclude the press and public from the proceedings on any of the grounds set out in the Local Government Act 1972 Schedule 12A and related or amending legislation must be marked in the top right hand corner "Not for Publication" because they contain exempt information. Categories of exempt information are set out in the Access to information Procedure Rules in Part 4 of this Constitution.

Confidential Reports

- (2) Reports containing confidential information under the Access to Information Procedure Rules in Part 4 of this Constitution must be marked on the top right hand corner setting out the category of confidential information.

Duty not to disclose information

- (3) It shall be the duty of all Council members, other voting and non-voting members of Committees or other bodies, assessors and advisers appointed to Committees or other bodies and Officers of the Council not to disclose any information contained in reports and documents classified as 'confidential' or 'exempt' until the Committee, Sub-Committee or other body in question decides to make the information public, and appropriate sanctions will be taken in the event of this being breached.

Declassification of exempt reports

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- (4) It shall be the responsibility of the Proper Officer (Director of Legal and Governance) to determine as necessary whether at any future date it is appropriate to declassify any exempt reports.

5. INSPECTION OF DOCUMENTS

- (1) A member of the Council shall have the right to inspect and be provided with copies of the following documents in the Council's possession or under its control in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.
- (2) A member must not use any information obtained in the exercise of the rights under this rule for any purpose other than the performance of his/her role as a member of the Council and must not knowingly inspect or request copies of any document relating to any matter in which he or she is professionally or personally interested or in which he or she has a personal, prejudicial or disclosable pecuniary interest under the Members' Code of Conduct. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

6. INSPECTION OF LAND AND BUILDINGS

No member of the Council and no other member (whether voting or non-voting) of a Committee, Sub-Committee or other body shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

7. ABSENCE FROM MEETINGS

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies (or, for a member of the Cabinet, a meeting of the executive) shall cease to be a

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member unless within that period his or her absence is approved by the authority.

8. STATEMENT OF ATTENDANCES

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council either at its last meeting in each municipal year or at the Annual Meeting and be entered in the minutes.

9. MATTERS AFFECTING NAMED INDIVIDUALS OR COUNCIL EMPLOYEES OR FORMER COUNCIL EMPLOYEES

- (1) If, during the course of a meeting, an issue arises concerning a named individual or about an individual Council employee or former Council employee, the body must first decide whether or not to exclude the public and press before discussing the matter further and for this purpose the advice of the Monitoring Officer or his/her representative will be considered.
- (2) At no time shall there be discussion of any individual employee or former employee subject to outstanding disciplinary/appeal/grievance proceedings as such discussion could affect these proceedings.
- (3) In the event of a member wishing to criticise an individual employee or former employee of the authority the Member shall follow the provisions of the Protocol on Member/Officer Relations which provides for a complaint against an officer to be referred confidentially to the relevant Chief Officer. This shall not prevent members from asking officers proper questions.
- (4) In the event of a member having concerns about seriously improper, fraudulent or unlawful conduct by an officer the member should raise the matter confidentially with the Chief Executive under the Council's "Whistleblowing Policy".

10. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- (1) If it comes to the knowledge of any employee of the authority, that he/she has a personal interest, direct or indirect, in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the Council or any Committee or Sub-Committee, and which (in either case) is not
 - (a) the contract of employment (if any) under which he serves the authority
 - (b) the tenancy of a dwelling provided by the authority,

he/she shall as soon as practicable give notice in writing to the Head of Paid Service of the fact that he/she is interested therein.

- (2) For the purposes of this rule 10, a personal interest is an interest that, if the employee were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he/she were present, he/she would have to disclose under the Members' Code of Conduct.

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- (3) The Head of Paid Service shall record in a book to be kept for the purpose particulars of any notice of a personal interest given by an employee of the authority. The book shall, during the ordinary office hours of the authority, be open for inspection by any member of the council.

11. WEBCASTING OR BROADCASTING OF MEETINGS

- (1) Audio and visual recordings of meetings of the Council, a Committee or Sub-Committee by a member of the public or a recognised media organisation shall normally be permitted following receipt of a request to the Mayor, or Chair, as appropriate. Such a request will generally only be refused if the Mayor or Chair believes recording would disrupt the meeting or where the Council is permitted to exclude the press and public because it is discussing exempt or confidential information.
- (2) The Mayor, or the Chair of any subordinate body, shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings. This rule does not affect the duty to keep a permanent sound recording of hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. no. 44).