

## **Section 4 - General Standing Orders**

### **1. INTERESTS OF MEMBERS**

- 1.1 If a Member has any disclosable pecuniary interests or other interests (within the meaning of the Members' Code of Conduct ) the member shall disclose them to the meeting unless they are already entered in the register of members' interests or have been notified to the Monitoring Officer in writing (a "pending notification"). The Member need not leave the meeting, but may neither speak nor vote, unless a dispensation has been granted by the Monitoring Officer (to speak) or the Audit Committee (to speak and vote).
- 1.2 Members will give notice to the Monitoring Officer of all their respective interests under the Members' Code of Conduct.
- 1.3 Members of the public will be able to inspect the Register kept by the Monitoring Officer under Section 81 of the Local Government Act 2000 during normal office hours.
- 1.4 If a Member has a disclosable pecuniary interest or other interest under the Members' Code of Conduct they will declare the interest in accordance with the requirements of the Code of Conduct.
- 1.5 Although a member with a disclosable pecuniary interest is not required to leave the meeting while the matter is considered, if the Member chooses to do so the Member will be called back once the item has been dealt with.

### **2. OFFICERS' INTEREST IN CONTRACTS**

The Monitoring Officer will record in a special book any notice an officer gives under Section 117 of the Local Government Act 1972 of a financial interest in a contract. The book will be open during office hours for the public to inspect.

### **3. SEALING DOCUMENTS**

- 3.1 The Council will not attach its common seal to any document unless the sealing has been authorised in accordance with this Constitution
- 3.2 The following person or people will attach the seal:
  - (a) the Chief Executive, the Corporate Director Resources, the Solicitor to the Council or any lawyer authorised by him or her;
  - (b) the Mayor, the Deputy Mayor or another Member, together with the Chief Executive or the Solicitor to the Council or any lawyer authorised by him or her.

### **4. AUTHORITY TO SIGN DOCUMENTS**

- 4.1 The Chief Executive, the Corporate Director Resources, the Solicitor to the Council or any solicitor authorised by him/her can sign on behalf of the Council:
  - (a) any contract (without the seal); and
  - (b) any document which that officer considers is proper and necessary to give effect to a resolution;

as long as nothing in this paragraph prevents any other person from being authorised to sign the document, where this Constitution allows.

## 5. **CONTRACTS**

5.1 The Chief Executive, the relevant Director, Head of Service or Assistant Director can approve any action and/or expenditure in respect of contracts provided that the action and/or expenditure is:

- (a) contained within an approved capital or revenue budget;
- (b) not contrary to the Council's Budget or Major Policy Framework; and
- (c) in line with Contract Regulations and Financial Regulations

## 6. **EMERGENCY ACTION BY THE CHIEF EXECUTIVE**

6.1 When the Chief Executive feels that circumstances make it necessary for the Council to take urgent action which would not otherwise be in accordance with the Constitution the Chief Executive is deemed to have delegated authority for this purpose, in consultation with the Leader and the ~~lead Member for Scrutiny—the Chairman of the Strategic Growth Scrutiny Committee~~Chairman of the relevant Scrutiny Committee.

6.2 A report on this action, and why it was necessary will be made to the next meeting of the Cabinet and the relevant Scrutiny Committee ~~or Scrutiny Commission.~~

## 7. **GENERAL AUTHORITY OF THE SOLICITOR TO THE COUNCIL**

7.1 If the Council has to issue any document in legal proceedings, the Solicitor to the Council may sign it unless someone else is authorised to do so by this Constitution.

7.2 The Solicitor to the Council has the authority to take all legal proceedings on behalf of the Council unless someone else is authorised to do so by this Constitution.

7.3 The Solicitor to the Council has the authority to defend all legal proceedings brought against the Council and to take any steps he or she considers necessary to do this.

7.4 If the Chief Executive is absent, the Solicitor to the Council will deal with all procedural matters within this Constitution.

## 8. **MONITORING OFFICER**

Each Chief Officer will immediately tell the Monitoring Officer of any proposal, decision or omission connected to their department which may lead to a report to the Council by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

## 9. **SUSPENDING STANDING ORDERS**

Any paragraph within Part 4 of this Constitution except Section 1, paragraph 13.15 , Section 2 paragraph 13.4, Section 3 paragraph 6 and 7 and Section 5, be suspended by motion on notice or without notice if at least one half of the whole number of

Members of the Council are present. Suspension can only be for the duration of the meeting.

**10. VARYING AND CANCELLING STANDING ORDERS**

When an addition or variation to, or cancellation of these standing orders is proposed and seconded, the motion will be postponed without discussion to the next ordinary meeting, unless the Monitoring Officer advises that the matter need not be postponed.

**11. INTERPRETATION OF STANDING ORDERS**

The Mayor's ruling on how to apply these Standing Orders will not be challenged at any meeting. His or her interpretation will be fully recorded in the Minutes.

**12. STANDING ORDERS AND PROCEDURE RULES TO BE GIVEN TO MEMBERS**

The Chief Executive will give each Member access to a copy of the Constitution and any legal provisions that regulate our proceedings and business.

**13. POLITICAL GROUPS**

13.1 Members who may, from time to time, be selected as leaders of political groups will be known as 'The Leader of the (name of group) Group'. The Member will give the Chief Executive written notice of their appointment for him or her to report to the Council's annual meeting, or at any other time when a new selection is made.

13.2 If a political group has given notice that a Member is authorised to act in place of the Leader of the Group, the Member will be entitled to act for the relevant leader if the leader is absent or incapable or unwilling to act. The Member will give the Chief Executive notice that they are authorised to act, and will then receive any documents which the Leader of the Group would have been entitled to.

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