



## Council standing orders

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**Note:** Items in bold in these regulations are legally required

## **A Rules of debate at meetings**

1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
4. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
5. The chairman of the meeting may limit each councillor to speaking once only in the debate on a motion except:
  - a. to speak on an amendment moved by another councillor;
  - b. to move or speak on another amendment if the motion has been amended since he last spoke;
  - c. to make a point of order;
  - d. to give a personal explanation; or
  - e. in exercise of a right of reply.
6. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
7. When a motion is under debate, no other motion shall be moved except:
  - a. to amend the motion;
  - b. to proceed to the next business;
  - c. to adjourn the debate;
  - d. to put the motion to a vote;
  - e. to ask a person to be no longer heard or to leave the meeting;
  - f. to refer a motion to a committee or sub-committee for consideration;
  - g. to exclude the public and press;
  - h. to adjourn the meeting; or
  - i. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
8. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
9. Excluding motions moved under standing order A7 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

## **B Disorderly conduct at meetings**

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.
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.
3. If a resolution made under standing order B2 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.

## **C Meetings generally**

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.**
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. **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.**

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.
5. The period of time designated for public participation at a meeting in accordance with standing order C4 above shall not exceed 10 minutes unless directed by the chairman of the meeting.
6. Subject to standing order C5 above, a member of the public shall not speak for more than 10 minutes.
7. In accordance with standing order C4 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.
8. 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.
9. **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.**
10. **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).**
11. **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. The same rules apply to committees.**
12. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting.**
13. **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.**
14. **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.**
15. The minutes of a meeting shall include an accurate record of the following:
  - a. the time and place of the meeting;
  - b. the names of councillors present and absent;
  - c. interests that have been declared by councillors and non-councillors with voting rights;
  - d. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - e. if there was a public participation session; and
  - f. the resolutions made.
16. **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.**
17. **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.**
18. **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.**
19. See below for the quorum of a committee meeting.
20. A meeting shall not exceed a period of 3 hours.

#### **D Committees and sub-committees**

1. **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
2. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
3. **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**



4. The council may appoint standing committees or other committees as may be necessary, and:
  - a. shall determine their terms of reference;
  - b. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - c. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - d. shall, subject to standing orders D2 and D3 above, appoint and determine the terms of office of members of such a committee;
  - e. may, subject to standing orders D2 and D3 above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the clerk 7 days before the meeting that they are unable to attend;
  - f. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - g. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - h. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
    - i. shall determine if the public may participate at a meeting of a committee;
    - j. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
    - k. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
    - l. may dissolve a committee.

#### **E Ordinary council meetings**

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.**
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.**
3. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
4. **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
5. **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.**
6. **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.**
7. **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.**
8. **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.**
9. **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.**
10. 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:
  - a. **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;**

- b. Confirmation of the accuracy of the minutes of the last meeting of the council;
- c. Receipt of the minutes of the last meeting of a committee;
- d. Consideration of the recommendations made by a committee;
- e. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- f. Review of the terms of reference for committees;
- g. Appointment of members to existing committees;
- h. Appointment of any new committees in accordance with standing order 4 above;
- i. Review and adoption of appropriate standing orders and financial regulations;
- j. 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;
- k. Review of representation on or work with external bodies and arrangements for reporting back;
- l. 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;
- m. Review of inventory of land and assets including buildings and office equipment;
- n. Confirmation of arrangements for insurance cover in respect of all insured risks;
- o. Review of the council's and/or staff subscriptions to other bodies;
- p. Review of the council's complaints procedure;
- q. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- r. Review of the council's policy for dealing with the press/media; and
- S.** Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

#### **F** Extraordinary meetings of the council and committees and sub-committees

- 1. The chairman of the council may convene an extraordinary meeting of the council at any time.**
- 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.**
3. The chairman of a committee may convene an extraordinary meeting of the committee at any time.
4. If the chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee.

#### **G** Previous resolutions

1. A resolution shall not 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 clerk in accordance with standing order I below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
2. When a motion moved pursuant to standing order G1 above has been disposed of, no similar motion may be moved within a further six months.

#### **H** Voting on appointments

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.

#### **I** Motions for a meeting that require written notice to be given to the clerk

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.
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 clerk at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

3. The clerk may, before including a motion on the agenda received in accordance with standing order I2 above, correct obvious grammatical or typographical errors in the wording of the motion.
4. If the clerk considers the wording of a motion received in accordance with standing order I2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the clerk so that it can be understood at least 5 clear days before the meeting.
5. If the wording or subject of a proposed motion is considered improper, the clerk 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.
6. Subject to standing order I5 above, the decision of the clerk as to whether or not to include the motion on the agenda shall be final.
7. Notices of motions, the decision as to whether to include them on an agenda and the reasons for the decision must be retained by the clerk.

**J Motions at a meeting that do not require written notice**

1. The following motions may be moved at a meeting without written notice to the clerk;
  - a. to correct an inaccuracy in the draft minutes of a meeting;
  - b. to move to a vote;
  - c. to defer consideration of a motion;
  - d. to refer a motion to a particular committee or sub-committee;
  - e. to appoint a person to preside at a meeting;
  - f. to change the order of business on the agenda;
  - g. to proceed to the next business on the agenda;
  - h. to require a written report;
  - i. to appoint a committee or sub-committee and their members;
  - j. to extend the time limits for speaking;
  - k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - l. to not hear further from a councillor or a member of the public;
  - m. to exclude a councillor or member of the public for disorderly conduct;
  - n. to temporarily suspend the meeting;
  - o. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - p. to adjourn the meeting; or
  - q. to close a meeting.

**K Handling confidential or sensitive information**

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.
2. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

**L Draft minutes**

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.
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 J1.a above.
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.
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 the ( ) held on [date] in respect of ( ) 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.”*

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.

## **M Code of conduct and dispensations**

1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
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.
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.
4. **Dispensation requests shall be in writing and submitted to the clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
5. A decision as to whether to grant a dispensation shall be made by the clerk and that decision is final.
6. A dispensation request shall confirm:
  - a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - d. an explanation as to why the dispensation is sought.
7. Subject to standing orders M4 and M5 above, dispensations requests shall be considered by the clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
8. **A dispensation may be granted in accordance with standing order M5 above if having regard to all relevant circumstances the following applies:**
  - a. **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**
  - b. **granting the dispensation is in the interests of persons living in the council's area or**
  - c. **it is otherwise appropriate to grant a dispensation.**

## **N Code of conduct complaints**

1. Upon notification by Chichester district council (CDC) or West Sussex county council (WSCC) 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 clerk shall, subject to standing order K above, report this to the council.
2. Where the notification in standing order N1 above relates to a complaint made by the clerk, the clerk shall notify the chairman of council of this fact, and the chairman shall nominate another staff or council member to assume the duties of the clerk 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 N4 below.
3. The council may:
  - a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
4. **Upon notification by CDC or WSCC 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.**

## **O Clerk / proper officer**

1. The proper officer shall be either (i) the clerk or (ii) other council or staff member(s) nominated by the council to undertake the work of the clerk when the clerk is absent.
2. The clerk shall:
  - a. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, text or other personal message, confirming the time, place and the agenda.**
  - b. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
  - c. See standing order C2 above for the meaning of clear days for a meeting of a full council and standing order C3 above for a meeting of a committee.
  - d. subject to standing order I 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;
  - e. **convene a meeting of full council for the election of a new chairman of the council, occasioned by a casual vacancy in his office;**
  - f. facilitate inspection of the minutes files by local government electors;
  - g. **receive and retain copies of byelaws made by other local authorities;**
  - h. retain acceptance of office forms from councillors;
  - i. retain a copy of every councillor's register of interests;
  - j. 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;
  - k. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - l. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - m. arrange for legal deeds to be executed;
  - n. See also standing order V below.
  - o. 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;
  - p. record every planning application notified to the council and the council's response to the local planning authority in a book or file for such purpose;
  - q. refer a planning application received by the council to the chairman and members of the planning committee within two working days of receipt to facilitate a meeting if the nature of a planning application requires consideration before the next planned meeting of the committee;
  - r. manage access to information about the council via the publication scheme; and
  - s. See also standing order V below.

## **P Responsible financial officer (RFO)**

1. The council shall appoint an appropriate council or staff member to undertake the work of the responsible financial officer when the responsible financial officer is absent.

## **Q Accounts and accounting statements**

1. "Proper practices" in standing orders refer to the most recent version of "Governance and accountability for local councils – a practitioners' guide".
2. The RFO shall ensure that all proper practices are adhered to and that the council's accounts are kept, and accounting statements produced, in accordance with its financial regulations, which will be reviewed each year.

## **R Financial controls and procurement**

1. The council shall consider and approve financial regulations drawn up / reviewed by the RFO each year, when it approves its annual budget and precept.
2. The RFO shall ensure that the financial regulations specify suitable limits and procedures (having regard to the council's annual income) for the authorisation of payments and for the approval of contracts / agreements to purchase goods and services.



**S Staff matters**

1. The council currently has no employed staff and all duties are carried out by members of the council. If any proposal is made to employ staff, these standing orders shall be modified accordingly before any employment contracts are drawn up.

**T Requests for information**

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.
2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the clerk to the chairman, who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

**U Relations with the press/media**

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 handled in accordance with the council's policy in respect of dealing with the press and/or other media.

**V Execution and sealing of legal deeds**

1. **A legal deed shall not be executed on behalf of the council unless authorised by a resolution approved at a full council meeting.**

**W Communicating with district and county or councillors**

1. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the CDC and WSCC councillor representing the area of the council.

**X Standing orders generally**

1. 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.
2. 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 3 councillors to be given to the clerk in accordance with standing order I above.
3. The clerk shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## Appendix 1: Complaints procedure

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure and this appendix covers only complaints about the administration of the council or about its procedures. Other complaints should be handled as follows:

Type of complaint	Refer to
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, the council will consult its auditor or the audit commission.
Criminal activity	The police
Councillor conduct	A complaint relating to a councillor's failure to comply with the code of conduct must be submitted to the monitoring officer at Chichester district council.

1. The aims of the code of practice are:
  - To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the council from other bodies.
  - To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
  - To make the process reasonable, accessible and transparent.
  - At all times, the rules of natural justice will apply and all parties shall be treated fairly.
  - All complaints shall be heard by the council's complaints panel, which shall consist of 3 councillors, and shall report its findings to **the full council**.
2. Initial response on receiving a complaint:
  - a. The complainant shall be asked to put the complaint about the council's procedures in writing to the clerk.
  - b. If the complainant does not wish to put the complaint to the clerk (as it may relate directly to the clerk), they may be advised to put it to the council chairman in writing, marked private and confidential.
  - c. The chairman will appoint a panel of 3 council members (who are not subjects of the complaint) as a complaints panel.
  - d. The clerk / chairman shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the complaints panel.
  - e. The complainant shall be invited to attend a meeting with the complaints panel and bring with them such representatives as they wish.
  - f. Seven clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the council with copies of any documentation or other evidence, which they intend to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.
3. At the meeting
  - a. The complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next council meeting in open session.
  - b. The panel chairman to introduce everyone and explain the procedure.
  - c. Complainant (or representative) to outline grounds for complaint.
  - d. Panel members to ask questions of the complainant.
  - e. If relevant, the clerk or other nominated officer, to explain the council's position.
  - f. Panel members to ask questions of the clerk or other nominated officer.
  - g. The clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Town clerk /officer followed by complainant).
  - h. The clerk or other nominated officer and complainant to be asked to leave the room while the panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.
  - i. The clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.
4. After the meeting

Decision confirmed in writing within seven (7) working days together with details of any action to be taken.



## **Appendix 2: Data storage and security**

1. Personal data
  - a. Personal data (any data that identifies individual people with their physical or electronic contact details or other personal information shall be stored securely (see below) by the clerk.
  - b. If personal data is given to any other council member, for any reason, it shall be stored securely (see below) and shall not be retained any longer than necessary for the purpose for which it was supplied to the member.
  - c. Personal data shall not be given, lent or otherwise disclosed to any person not a member of the council for any reason without the written / emailed consent of the person(s) included in the data.
2. Physical document storage & security

All council physical files shall be kept in a secure place – usually in locked drawers in the clerk’s office.
3. Electronic data, documents and files
  - a. Electronic data belonging to the council, or provided for council purposes, is to be stored securely (see below) on a council PC or council-controlled online storage system;
  - b. If copies of such data is kept on a personal computer belonging to a council or staff member, access to the computer must be by secure password only, and the computer must never be left logged in when the owner is not present;
4. Electronic data security
  - a. Any computer or online facility used to store council data must be secured by a personal identification number (PIN) or other secure password. These PINs or passwords must be stored only in encrypted electronic files and a note shall be made of the PIN and passwords and shall be handed to and retained by the chairman of the council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member’s personal computer used only for remote authorisation of bank payments.
5. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
6. Any council records or data kept on a computer shall be backed up on a separate, and equally secure, computer or online facility in a different place.
7. The council, and any members using computers for the council’s business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

### **Appendix 3: Document retention policy**

1. Document retention - general
  - a. The council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
  - b. In agreeing a document retention scheme, the council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002.

2. Retention of documents for legal purposes

- a. Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

<b>Category</b>	<b>Limitation Period</b>
Negligence (and other torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To recover land	12 years
Rent	6 years
Breach of trust	None

- b. Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.
- c. As there is no limitation period in respect of trusts, the council will never destroy trust deeds and schemes and other similar documentation.
- d. Some limitation periods can be extended. Examples include:
  - where individuals first become aware of damage caused at a later date (e.g. personal injury);
  - where damage is latent (e.g. to a building);
  - where a person suffers from a mental incapacity;
  - where there has been a mistake or one party has defrauded another or concealed relevant facts.
- e. In such circumstances, the council will weigh up the costs of storing relevant documents and the risks of:
  - claims being made;
  - the value of the claims; and
  - the inability to defend any claims made should relevant documents be destroyed.

3. Document retention schedule

- a. The council has agreed a minimum document retention schedule, based on the obligations under the previously named acts, codes, orders and regulations.

<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Minute books	Indefinite	Archive
Scale of fees and charges	6 years	Management
Receipt and payments account(s)	Indefinite	Archive
Receipt books of all kinds, including ledgers	6 years	VAT
Bank statements, including savings/deposit accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years after completion of contract	Limitation Act 1980
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980
VAT records, P60s and P45s	6 years	VAT, Tax
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980
Timesheets	Last completed audit year	Audit

Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date on which the insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998, Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980
Correspondence and emails	1 year	Limitation Act 1980
Accident book	3 years	Reporting of Injuries, Diseases and Dangerous Occurrences Act 2013
Annual accounts and asset registers	Indefinite	Archive
Pension contribution records	6 years	Pensions Act 2014
Personnel records, including SSP and maternity records	6 years	Limitations Act 1980
Asbestos and hazardous materials records	Indefinite	Asbestos Regulations
Job applications		
Previous versions of policies, standing orders, schemes of delegation	3 years	Data Protection Act 1998
For halls, centre, recreation grounds Application for hire Lettings diaries Copies of bills to hirers Record of tickets issued	6 years	VAT
For allotments Register and plans	Indefinite	Audit, Management
For burial grounds Register of fees collected Register of burials Register of purchased graves Register/plan of grave spaces Register of memorials Application for internment Application for rights to erect memorials Disposal certificates Copy certificates of grant of exclusive right of burial	Indefinite	Archives, Local Authorities Cemeteries Order 1977

- b. The need to retain any documents not included in the above schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Clerk.