

# Llanbradach & Pwllypant Community Council

## STANDING ORDERS

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

**It is recommended that the Council adopt the standing orders in bold type in their current form because these reflect statutory requirements.**

Standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at:

- (i) highlighting matters that merit regulation by standing orders and
- (ii) encourage use of standing orders to regulate routine administrative arrangements and they have been adapted to suit Llanbradach & Pwllypant Community Council's particular needs.

Once again, the Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

## Llanbradach & Pwllypant Community Council

### Standing Orders

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## **1. Meetings**

- a) 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.**
- b) When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- c) 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.**
- d) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.**
- e) In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- f) Subject to standing orders, which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- g) 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.**
- h) Subject to the standing order below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- i) The Chairman 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.**
- j) Unless standing orders provide otherwise, voting on any 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.**

- k) **The minutes of a meeting shall record the names of councillors present and absent.**
- l) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- m) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
- n) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council (4) are present and in no case shall the quorum of a meeting be less than 3.**
- o) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- p) Meetings shall not exceed a period of 2 hours.
- q) 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, at the start of the meeting.
- r) The period of time designated for public participation at a meeting in accordance with standing order 1 (q) above shall not exceed 15 minutes unless directed by the chairman of the meeting and then not to exceed 30 minutes
- s) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman shall direct the order of speaking and the time divided and agreed accordingly.

## **2. Ordinary Council meetings**

- a **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.**
- b **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.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d **(Wales) In addition to the annual meeting of the council, any number of other ordinary meetings may be held in each year on such dates and times as the council may direct.**
- e **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.**

- f **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.**
  
- g **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.**
  
- h **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.**
  
- i **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.**

### **3. Proper Officer**

- a) The Council's Proper Officer shall do the following:
  - i. **Sign and serve on councillors by delivery or post at their residences, a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
  - ii. Include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
  - iv. Make available for inspection the minutes of meetings.
  - v. **Receive and retain copies of byelaws made by other local authorities.**
  - vi. **Receive and retain declarations of acceptance of office from councillors.**
  - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - viii. Keep proper records required before and after meetings;

- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiii. Keep a record of every planning application notified to the Council and the Council's response to the local planning authority.
  
- xiv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **4. Motions requiring written notice**

- a) No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.
- b) The Proper Officer may, before including a motion in the agenda, correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Proper Officer considers the wording of a motion received in accordance with the standing order 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 in clear and certain language at least 7 clear days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e) Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- f) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **5. Motions not requiring written notice**

- a) Motions in respect of the following matters may be moved without written notice:
- i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vi. To proceed to the next business on the agenda.
  - vii. To close or adjourn debate.
  - viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - ix. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - x. To authorise legal deeds to be signed by two councillors and witnessed.
  - xi. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xii. To extend the time limit for speeches.
  - xiii. To exclude the press and public for all or part of a meeting.
  - xiv. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xv. To give the consent of the Council if such consent is required by standing orders.
  - xvi. To suspend any standing order except those which are mandatory by law.**
  - xvii. To adjourn the meeting.
  - xviii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xix. To answer questions from councillors.

## **6. Rules of debate**

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b) A motion shall not be considered unless it has been proposed and seconded.
- c) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- d) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e) Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- f) A proposed or carried amendment to a motion shall not have the effect of negating the original or substantive motion under consideration.
- g) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- i) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- j) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.



- k) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- l) A point of order shall be decided by the Chairman and his decision shall be final.
- m) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- n) When a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.

## **7. Code of Conduct (Wales)**

- a) **All councillors shall observe the code of conduct adopted by the Council.**
- b) All councillors shall have the opportunity to undertake training in the code of conduct
- c) **Councillors may exercise rights contained in the standing order below, only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d) **Councillors who have a prejudicial interest in relation to any item of business being transacted at that meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## **8. Questions**

- a) A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom the question has been put may decline to answer

## **9. Minutes**

- a) **If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.**
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy
- c) Minutes, including any amendment to correct their accuracy, 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.
- d) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10. Disorderly conduct**

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order (a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

- c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

#### **11. Rescission of previous resolutions**

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 7 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to standing order (a) above has been disposed of, no similar motion may be moved within a further 6 months.

#### **12. Voting on appointments**

- a) Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

#### **13. Expenditure**

- b) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- c) **The Council's financial regulations shall be reviewed once a year.**
- d) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

#### **14. Execution of Legal Deeds**

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) **In accordance with a resolution made under standing order (a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

#### **15. Committees**

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may in accordance with standing orders, dissolve a committee at any time.

#### **16. Sub- Committees**

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

#### **17. Extraordinary meetings**

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

## **18. Advisory Committees**

- a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **19. Accounts and Financial Statement**

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall Include In each monthly agenda a Balance of Funds which contains details of all recent transactions (payments and receipts). The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **20. Precepts/Estimates**

- a) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**

## **21. Canvassing of and recommendations by councillors**

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of documents**

- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23. Unauthorised Activities**

- b) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **24. Confidential Business**

- a) Councillors [Wales: and employees] shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of standing order (a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25. Matters Affecting Council Employees**

- a) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- b) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- c) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

- d) Access and means of access by keys and/or computer passwords to records of employment, administration and finance, shall be provided only to the Chairman of the Council and two other nominated Members.

**26. Freedom of Information Act 2000**

- a) All requests for information held by the Council shall be processed by the Proper Officer in respect of handling requests under the Freedom of Information Act 2000.

**27. Relations with the Press/Media/Public**

- a) **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.**

**28. Liaison with District and County or Unitary Councillors**

- a) An agenda for each meeting of the Council shall be sent to the County Borough Council
- b) Minutes of all Full Council Meetings will be sent to the County Borough Council
- c) Appointed Community Council Representative are expected to attend Community and Town Councils Liaison Committees and County Borough Joint Liaison Committee Meetings

**29. Financial matters**

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to the standing order below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in the standing order below.**
- c) Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e) **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.**

**30. Allegations of breaches of the code of conduct**

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer will investigate the alleged breach and consult with the Chairman and the County Borough Council Monitoring Officer.
- b) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Proper Officer and the Chairman of the Council shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.



- i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- c) The above should not be taken to prohibit the Council from disclosing information to Members and Officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

### **31. Variation, Revocation and Suspension of Standing Orders**

- a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

### **32. Standing orders to be given to councillors**

- a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b) The Chairman's decision as to the application of standing orders at meetings shall be final.
- c) A councillor's failure to observe the standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.