

# **Brithdir, Llanfachreth & Rhydymain Community Council**

## **Standing Orders**

### **Chairman**

1. The Chairman shall be elected by the Council from among the Community Councillors in the first meeting of the civic year.

### **Vice-Chairman**

2. The Council shall choose one of the Community Councillors to be Vicechairman. That member shall represent the Brithdir ward, the Llanfachreth ward and the Rhydymain ward alternately.

### **Meetings**

3. (i) Council meetings shall be held every month, with the exception of April, August and December, at 7.30pm, unless the Council has decided on an additional date or a different time at a previous meeting.

(ii) The Chairman may call an extraordinary meeting of the Council at any time.

(iii) Five Councillors may call an extraordinary meeting of the Council at any time.

### **Chairing of Meetings**

4. The person chairing a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

### **Duties of the Clerk and Responsible Financial Officer**

5. Where a statute, regulation or order confers functions or duties upon the Proper Officer of the Council in the following cases, the Proper Officer shall be the Clerk:

- To receive declarations of acceptance of office.
- To receive and register disclosures of personal interest.
- To receive and retain plans and documents.
- To sign notices and other documents on behalf of the Council.
- To receive copies of byelaws made by the Council.
- To certify copies of byelaws made by the Council.
- To sign summonses to Council meetings.
- To prepare the Council's financial accounts to be audited by internal and external auditors.

6. In any other matter, the Proper Officer shall be the person nominated by the Council and, if no person is nominated by the Council, the Clerk.

### **Quorum**

7. (i) The quorum shall be five Councillors.

(ii) If a meeting is or becomes inquorate, any outstanding business shall be transacted either at the next meeting or on a date appointed by the Chairman.

### **Voting**

8. Voting at Council meetings shall be by a show of hands or, if so decided by the Council, by secret ballot.

9. The Chairman may vote as a Councillor on any matter and, in the case of an equality of votes on any matter, he/she must exercise a casting vote.

10. Persons elected as Councillors must sign a Declaration of Acceptance of Office form before taking office. In an election year, they should do so in each other's presence or in the presence of the Clerk, before the beginning of the meeting. At the first meeting of each civic year, the first business shall be:

(i) To elect a Chairman.

(ii) To receive the Chairman's Declaration of Acceptance of Office or, if it is not received at the time, to decide when to receive it.

(iii) If the person elected Chairman is absent, to appoint a Chairman for the meeting.

(iv) To elect a Vice-chairman

(v) To receive the Vice-chairman's Declaration of Acceptance of Office or, if it is not received at the time, to decide when to receive it.

(vi) To nominate and appoint Councillors to external organisations.

(vii) To appoint statutory committees or standing committees where necessary.

11. At the first meeting of the civic year, it shall be necessary to consider whether to review the remuneration and terms of those employed by the council at the time.

12. The Chairman of the meeting or any Councillor may propose to change the order of business for urgent reasons and, if proposed by the Chairman of the meeting, the motion may be put to the vote without being seconded, and such a motion shall be put to the vote without discussion.

### **Motions Requiring Notice**

13. Except as provided by these Standing Orders, no motion shall be moved unless the mover has given notice of the wording and has submitted it to the Clerk at least five clear days prior to the next meeting of the Council, unless an exception has been granted by the Chairman.

14. If a motion falls within the terms of reference of one of the Council's committees, e.g. the Standing Order and Policy Sub-committee or the Website Sub-committee, it may be referred (after being proposed and seconded) without discussion, to that committee, or to such other committee as identified by the Council, for report; but if the Chairman considers that it is an urgent matter, he/she can permit discussion at the meeting where it was moved.

15. All motions or recommendations must be relevant to some question on which the Council has authority, or which affects the territory of its authority.

16. Urgent matters may be added to the agenda on condition that they have been drawn to the Clerk's attention prior to the meeting.

### **Motions Not Requiring Notice**

17. Motions in respect of the following matters may be moved without notice:

▫ To appoint a Chairman for the meeting.

▫ To correct of the minutes.

- To approve the minutes.
- To alter the order of business.
- To proceed to the next business.
- To close or adjourn the debate.
- To refer a matter to a committee.
- To appoint a committee or members of a committee.
- To receive motions arising from reports or correspondence or other items noted on the meeting agenda.
- To adopt reports.
- To authorise the sealing of documents.
- To propose an amendment to a motion.
- To permit the withdrawal of a motion or amendment.
- To extend the time allowed for a speech.
- To consider any question relating to one of the Council's servants, not being in a committee.
- To exclude the press.
- To exclude the public.
- To silence or eject from the meeting a Councillor named for misconduct.
- To give the Council's consent where required by the Standing Orders.

### **Questions**

18. (i) A Councillor may ask the Chairman any question regarding Council business.
- (ii) A Councillor may, with notice or without, ask a Committee Chairman any question regarding the business of the Committee which is before the Council at the time, as long as it is asked before the Council completes its consideration of that business.
- (iii) Every question shall be put and answered without discussion.
- (iv) A person to whom a question has been put may decline to answer.
- (v) When a question may not conveniently be answered orally, it is considered adequate to send the answer to the Council members with the minutes of the meeting where the question was put.

### **Rules of Debate**

19. No discussion of the minutes shall take place except in relation to their accuracy. Corrections to the minutes shall be made by resolution, and must be initialled by the Chairman. A resolution of the Council shall not be discussed again within three months of the original resolution.

20. (i) Neither a motion nor an amendment shall be discussed unless it has been proposed and seconded.

(ii) A Councillor who seconds a motion or an amendment may postpone his speech until later in the debate on condition that he expresses the intention to do so at the time of seconding.

(iii) A Councillor must direct his speech to the question under consideration or to a personal explanation or to a question of order.

(iv) Any comment must be made within a reasonable time except with the consent of the Council.

(v) If an amendment is carried, the motion as amended shall replace the original motion and further amendments may be moved upon it.

(vi) No further amendment shall be moved until all previous amendments have been disposed of (but, with the consent of the Chairman of the meeting, notice may be given of the intention to move a further amendment).

(vii) The mover of a motion or an amendment has a right of reply.

21. (i) There shall be no discussion on the Chairman's ruling on a point of order or on the admissibility of a personal explanation.

(ii) The Councillors shall address the Chairman in their speeches.

(iii) If more than one Councillor wishes to respond, the Chairman shall call on one of them to speak, and all others must be silent and listen.

### **Closure of a debate**

22. At the end of any comment, any Councillor may move (without comment) "that the question now be put", "that the debate be now adjourned", or "that the Council do now adjourn". If the motion is seconded and if the Chairman is satisfied that the motion before the Council has been sufficiently debated (but not otherwise), he must put the motion to a vote immediately. If the motion "that the question now be put" is carried, he shall call upon the mover to exercise or waive his right of reply; and shall put the motion to the vote immediately afterwards. The adjournment of the discussion or the meeting shall not prejudice the mover's right of reply at the resumption.

### **Disorderly Conduct**

23. See the Members' Code of Conduct.

### **Right of Reply**

24. The mover of a motion shall have a right of reply immediately before the motion is put to the vote. If an amendment is moved, the mover of the amendment shall have a right of reply before the amendment is put to the vote. After the mover has replied or waived his right to reply, a vote shall be taken without further discussion.

### **Alteration of a motion**

25. With the consent of the seconder of a motion, the mover may move an amendment to his own motion.

### **Expenditure**

26. Orders for the payment of money shall be authorised by resolution of the Council, and signed by two out of three Councillors.

27. Requests for financial assistance are considered in the February meeting and must be accompanied by a current balance sheet.

28. Funding earmarked for a particular project must be approved by the Council and signed by two out of three Councillors.

### **Accounts and Financial Statement**

29. There is a statutory requirement that all accounts for payment and all claims upon the Council shall be laid before the Council for approval of payment. Two out of three Councillors appointed by the Council shall sign the Council's cheques and

stubs and it is important that the cheques have been completed before being signed by the Councillors.

### **Interest**

30. See the Members' Code of Conduct, revised in 2008, and the Personal Interest forms for the Council members to complete as necessary, at Council meetings.

### **Canvassing of Councillors**

31. (i) Canvassing Councillors or the members of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate from the appointment. The Clerk shall make known the requirements of this Standing Order to every candidate.

(ii) A Councillor may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment but may not show unfair preference for a specific applicant.

(iii) If an applicant for any appointment under the Council is aware that he is related to any Councillor or Officer, the applicant and the person he is related to shall disclose the relationship in writing to the Clerk at the committee. A candidate who fails to do so shall be disqualified for such appointment.

### **Inspection of Documents**

32. A Councillor may (for the purpose of his official duties as a Councillor, but not otherwise), inspect any document in the possession of the Council or any of its committees, and if copies are available, he shall, on request, be supplied with a copy for that purpose.

33. (i) The minutes of all meetings kept by the Council and by any committee shall be open for inspection by any Councillor.

(ii) The minutes of Council meetings shall be open for inspection by any Local Government constituent in the community. A charge may be levied where appropriate.

(iii) The contact details of the Clerk and all Council members shall be displayed at Brithdir, Llanfachreth and Rhydymain Halls and on the Council website.

### **Unauthorised Activities**

34. No Councillor or member of a committee may

- Inspect any land or premises the Council has a right or duty to inspect, or
- Issue orders, instructions or directions in the name of the Council or on its behalf unless authorised to do so by the Council or the appropriate committee.

### **Admission of the Public and Press to Meetings**

35. The public and press shall be admitted to all meetings of the Council and its committees: but a meeting may temporarily exclude the public or the press or both by means of the following resolution:

"In view of the special and/or confidential nature of the business about to be transacted, it is advisable in the public interest that the public and/or the press be temporarily excluded" and they are instructed to withdraw.

36. The Clerk shall afford to the press reasonable facilities for making their notes of any proceedings at which they are entitled to be present.

37. If any member of the public interrupts any meeting, the Chairman may, after warning, order the evacuation of the part of the room which is open to the public.

### **Confidential Business**

38. No Councillor shall disclose to the public any business declared to be confidential by the Council.

### **Contracts**

39. (i) Where it is intended to put work out to tender, at least three approved contractors shall be invited to tender.

(ii) The notice shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date and time by which those tenders should reach that person in the ordinary course of post.

(iii) If no tenders are received or if all the tenders are identical, the Council may make such arrangements for the works as it thinks fit.

### **Language Policy**

40. See the Council's Language Policy.

### **Management of Information**

*See also standing order 42.*

41. (i) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

(ii) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

(iii) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

(iv) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

### **Responsibilities to Provide Information**

*See also standing order 43.*

42. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

### **Responsibilities Under Data Protection Legislation**

(Below is not an exhaustive list.)

*See also standing order 41.*

43.(i) The Council may appoint a Data Protection Officer.

(ii) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

(iii) The Council shall have a written policy in place for responding to and managing a personal data breach.

(iv) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

(v) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

(vi) The Council shall maintain a written record of its processing activities.

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

44. Any part of the Standing Orders in relation to any specific item of business may be suspended by resolution of two thirds of the Council members present.

45. A resolution to permanently vary or to revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **The Right of Electors to Speak at a Meeting**

46. Electors have no right to participate in the Council's discussions.

47. Electors may address the Councillors at the beginning of any meeting on a particular subject on condition:

- that they have given the Clerk at least three working days' notice before the meeting.
- that they have the Chairman's consent.
- that the address lasts no longer than 3 minutes.
- that their names are on the Community's Electoral List.

The Standing Orders will be updated every four years, or sooner as a result of new regulations or a change in legislation. A majority of two thirds of all Councillors will be required in order to amend the Standing Orders.