

LLAY COMMUNITY COUNCIL

STANDING ORDERS

Meetings

1. Meetings of the Council shall be held at 6.30pm at the Llay Resource Centre on the third Wednesday of every month except for August when there will be no meeting.
2. Smoking is not permitted at any meeting of the Council (or within premises owned or controlled by the Council).

Statutory Annual Meeting

3. **In an election year the Annual General Meeting of the Council shall be held on or within 14 days following the day on which elected Councillors take office.**
4. In a year that is not an election year the Annual General Meeting of the Council shall be held on the third Wednesday of May

Notice of Meetings

5. **At least three clear days' notice of any meeting of the Council or its Committees must be given in writing setting out the place and time of the meeting. (7 days as a norm but 3 days in an emergency)**

Chairman of the Meeting

6. **The person presiding at a meeting of the Council may exercise all the powers and duties of Chairman in relation to the conduct of the meeting.**

Proper Officer

7. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, the proper officer shall be the Clerk or nominated officer:
 - (a) To receive declarations of acceptance of office;
 - (b) To receive and record notices disclosing interests at meetings;
 - (c) To receive and retain plans and documents;
 - (d) To sign notices or other documents on behalf of the Council;
 - (e) To receive copies of byelaws made by another local authority
 - (f) To certify copies of byelaws made by the Council;
 - (g) To sign and issue the summons to attend Council meetings;

- (h) To keep proper records for all Council meetings.

Quorum

- 8. **(a) Three members or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

(b) If a quorum is not present or if during a meeting the number of councilors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

- 9. **Whilst there may be occasions when a Councilor is ill or on holiday, it is in general a members' duty to attend a Council meeting. If a council member does not attend for a period of six consecutive months, without either a statutory excuse* or extended absence having been approved by the Council before the expiry of that period, they will cease to be a member of the Council.**

(*statutory excuse relates to members of HM Services when employed during war or emergency).

- 10. **For a quorum relating to a committee or sub-committee, please refer to Standing Order 67.**

Voting

- 11. All acts of the Council and all questions coming or arising before the Council shall be decided by a majority of the members of the Council present and voting thereon.

- 12. Members shall vote by show of hands or, if at least two members so request, by signed ballot.

- 13. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

- 14. (a) Subject to (b) and (c) below, the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(b) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Order of Business

15. **At each Annual General Meeting the first business shall be:**
- (a) **To elect a Chairman of the Council.**
 - (b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - (c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - (d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received**
 - (e) To receive the report of the outgoing Chairman.
 - (f) To elect a Vice-Chairman of the Council.
 - (g) To appoint representatives to outside bodies.
 - (h) To appoint committees and sub-committees.
 - (i) To receive a record of members' attendances at meetings of the Council.

and shall thereafter follow the order set out in Standing Order 17.

16. **At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

17. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

- (a) To read and consider the minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
- (b) **After consideration, to approve the signing of the minutes by the person presiding as a correct record.**
- (c) **To deal with business expressly required by statute to be done.**
- (d) To receive the Chairman's announcements
- (e) To receive members' reports (if any).
- (f) To dispose of business, if any, remaining from the last meeting.
- (g) To receive such communications as require to be laid before the Council.
- (h) To answer questions from Councillors.
- (i) To receive and consider reports and minutes of Committees.
- (j) To receive and consider reports from officers of the Council.
- (k) To authorise the sealing of documents.(Not Applicable)
- (l) To authorise the signing of orders for payment.
- (m) To consider any other business notice of which has been given to the Clerk not less than 7 days before the time scheduled for the meeting to commence.

Urgent Business

18. A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and shall be put to the vote without discussion.

19. The meetings of the Council and Committees shall terminate at 9.00 o'clock or immediately after the business under discussion at that time has been concluded.

Motions moved on notice

20. Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.
21. The Clerk shall date every notice of motion or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
22. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving the notice of motion has stated in writing that he intends to move it at some later meeting or that he withdraws it.
23. If a motion or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
24. If the subject matter of a motion comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
25. Every motion or recommendation shall be relevant to some subject over which the Council has power or duties that affects it area.

Motions moved without notice.

26. Motions dealing with the following matters may be moved without notice:-
 - (a) To appoint a Chairman of the meeting.
 - (b) To correct the minutes.
 - (c) To approve the minutes.
 - (d) To alter the order of business
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a committee.
 - (h) To appoint a committee or any members thereof.
 - (i) To adopt a report.
 - (j) To amend a motion.
 - (k) To give leave to withdraw a motion or amendment.
 - (l) To extend the time limit for speeches.
 - (m) To exclude the press and public (see Standing Order 90 below).

- (n) To silence or eject from the meeting a member named for misconduct (see Standing Order 50 below).
- (o) To give the consent of the Council where such consent is required by these Standing Orders.
- (p) To suspend any Standing Order (see Standing Order 108 below).
- (q) To adjourn the meeting.

Questions

- 27. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 28. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 29. Every question shall be put and answered without discussion.
- 30. A person to whom a question has been put may decline to answer.

Rules of debate

- 31. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialed by the Chairman. (*S Orders Sub Committee wants to emphasize this as good practice*)
- 32. A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- 33. A member, when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- 33. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 35. No speech by a mover of a motion shall exceed 5 minutes and no other speech shall exceed 3 minutes except with the consent of the Council.
- 36. An amendment shall be to either; (i) leave out words, (ii) leave out words and insert or add other words or (iii) to insert or add words.
- 37. An amendment shall not have the effect of negating the motion before the Council.
- 38. If an amendment be varied, the motion, as amended, shall take the place of the original motion upon which any further amendment may be moved.
- 39. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

40. The mover of a motion or of an amendment shall have a right of reply, not exceeding 3 minutes.
41. A member, other than the mover of the motion, shall not, without leave of the Council, speak more than once on any motion except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
42. A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a previous speech by him that may have been misunderstood.
43. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
44. When a motion is under debate no other motion shall be moved except the following:-
 - (a) To amend the motion.
 - (b) To proceed to the next business.
 - (c) To adjourn the debate
 - (d) That the question be now put.
 - (e) That a member named be not further heard.
 - (f) That a member named leaves the meeting.
 - (g) That the motion be referred to a committee.
 - (h) To exclude the press and public.
 - (i) To adjourn the meeting.
45. A member shall remain seated when speaking unless requested to stand by the Chairman.
46.
 - (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
 - (b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
 - (c) Whenever the Chairman speaks during a debate all other members will be silent.

Closure

47. At the end of a speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

Disorderly Conduct

48. **All members must observe the Code of Conduct adopted by the Council in April 2016, a copy of which is annexed to these Standing Orders (agreed 20th July 2017).**
49. No member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
50. If, in the opinion of the Chairman, a member has broken the provisions of Standing Order 49, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Public Services Ombudsman for Wales.
51. If either of the motions mentioned in Standing Order 50 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

Right of Reply

52. The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of Motion

53. A member may, with the consent of his seconder, move amendments to his own motion.

Rescission of Previous Resolution

54. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 4 members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

Voting on Appointments

55. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

Discussions and Resolutions Affecting Employees of the Council

56. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 90)

Resolutions on Expenditure

57. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, be voted on.

Expenditure

58. **Orders for the payment of money shall be authorised by resolution of the Council. (Recurring costs such as salaries, clerk's expenses, crossing patrol, and petrol for mower should be sent by the Clerk to two nominated Councillors for verification)**

Sealing of Documents

59. A document shall not be sealed on behalf of the Council unless its sealing has been authorized by a resolution; - *(not now applicable)*
60. Any two members of the Council named in the resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.- *(not now applicable)*

Committees and Sub-Committees

61. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting;
 - (b) may appoint persons other than members of the Council to any committee; and
 - (c) may, subject to the provisions of Standing Order 54 above, at any time dissolve or alter the membership of a committee
62. The Chairman and Vice-Chairman, ex officio, shall be voting members of every committee.
63. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual meeting of the Council, and shall settle its programme of meetings for the year.

Special Meeting

64. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

Sub-Committees

65. Every committee may appoint sub-committees for purposes to be specified by the committee.
66. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
67. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
68. The Standing Orders on rules of debate (except those parts relating to standing and speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

Advisory Committees

69. The Council may create advisory committees, whose name and number of members and the bodies to be invited to nominate members shall be specified.
70. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
71. An advisory committee may make recommendations and give notice thereof to the Council.
72. An advisory committee may consist wholly of persons who are not members of the Council.

Voting in Committees

73. Members of committees and sub-committees entitled to vote, shall vote by show of hands or, if at least two members so request, by signed ballot. (*S Orders Sub Committee want councilors to be reminded of this option*).
74. **Chairmen of committees and sub-committees shall, in the case of an equality of votes, have a second or casting vote.**

Presence of non-members of Committees at Committee meetings

75. A member who has proposed a resolution that has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

Accounts and Financial Statements

76. (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorized by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
77. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the basis of income and expenditure for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval in accordance with a timescale required to meet annual audit requirements.

Estimates / Precepts

78. The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
79. Any committee desiring to incur expenditure shall, no later than November, give to the Clerk a written estimate of the expenditure recommended for the coming year

Interests

- 80. If a member has a personal interest, as defined by the Code of Conduct adopted by the Council in April 2016, then that interest must be declared and a decision made by the member whether to stay or withdraw.**

If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the chamber during consideration of the item to which the interest relates.

- 81. The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
82. If a candidate for any appointment under the Council is to his knowledge related to any member of or holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate, who fails so to do, shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed, Standing Orders 80 and 81 shall apply.
83. The Clerk shall make known the purport of Standing Order 82 to every candidate.

Canvassing of and Recommendations by Members

84. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
85. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
86. Standing Orders 84 and 85 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Inspection of Documents

87. A member may, for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee and, if copies are available, shall, on request, be supplied for the like purpose with a copy.
88. **All minutes kept by the Council and any committee shall be open for the inspection of any member of the Council.**

Unauthorised Activities

89. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
 - (a) Inspect any lands or premises which the Council has a right or duty to inspect;
or
 - (b) Issue orders, instructions or directions unless authorized to do so by the Council or the relevant committee or sub-committee.

Admission of the Public and Press to Meetings

90. **The public and press shall be admitted to all meetings of the Council and its committees and sub-committees that may, however, temporarily exclude the public and press by means of the following resolution:**

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”.

91. The Council shall state the special reason for exclusion.

Public Questions

92. Each ordinary meeting of the Community Council shall include an opportunity for members of the public to ask questions and make statements in respect of matters for which the community council has functional responsibilities. The total time available for public questions/statements shall not, subject to the Chair's discretion, exceed 15 minutes. *(this was amended 20th July 2017)*. In addition to this the public may offer their help/give information on subjects under discussion by raising their hands to indicate they want to speak. This will generally occur when all Councillors who wish to speak have done so, although further discussion may occur after information has been given by the public which helps the debate *(this paragraph was added on the 20th of July 2017)*. The Chair may at his/her absolute discretion disallow questions/statements which he/she believes are expressed in inappropriate terms, are irrelevant or outside the scope of the Community Council's functions, vexatious, repetitive or unduly lengthy. Without limitation to the generality of the above, questions will not be permitted on:
- (a) Judicial and quasi-judicial matters;
 - (b) Individual planning, licensing or grant applications or appeals or any similar decision given by the Council under statute;
 - (c) A named individual employee of the Community Council or serving Community Councillor.
 - (d) Party political matters;
 - (e) Matters which are exempt by virtue of Schedule 12A of the Local Government Act 1972 or any repeal thereof or amendment thereto;
 - (f) any matter in respect of which a question has already been asked within the previous six months.
- Each question will be put and answered without discussion but having received the reply a questioner may, subject to the Chair's discretion, make a short statement in response to the answer received.
- Any question/statement to be put to a meeting shall be submitted in writing to the Clerk at least 7 days prior to the meeting at which the question is due to be asked.
- Questions/statements will be put to the meeting in the order they are received by the Clerk.

93. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
94. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

Confidential Business

95. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
96. Any member in breach of the provision of Standing Order 95 shall be removed from any committee or sub-committee of the Council by the Council.

Liaison with County Borough Councillors

97. A summons and agenda for each meeting shall be sent, together with an invitation to attend, to the County Borough councillors for each ward.

Financial Matters

98. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
99. Such Regulations shall include detailed arrangements for the following:
- (a) the accounting records and systems of internal control;
 - (b) the assessment and management of risks faced by the Council;
 - (c) the work of the internal auditor and the receipt of regular reports from the internal auditor which shall be required at least annually;
 - (d) the financial reporting requirements of members and local electors, and
 - (e) procurement policies (subject to Standing Order 102 below) including the setting of values for different procedures where the contract has an estimated value less than £10,000.

Contracts

100. Where it is intended to enter into a contract exceeding £5,000 but not exceeding £10,000 in value for the supply of goods, materials or services or for the execution of works, the Clerk shall give at least three weeks public notice of such intention by advertisement in appropriate local newspapers and/or trade journals.
101. Where the value of the intended contract exceeds £10,000, the council will consider contacting the approved list of WCBC approved contractors in addition to other companies of their choosing.
102. Notice of a contract exceeding £10,000 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 by which tenders should reach that person in the ordinary course of post.
103. Tenders shall be opened by any two of the Chairman, Vice-Chairman and Clerk and shall be reported by the persons who opened them to the council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
104. Neither the Council nor any committee or sub-committee is bound to accept the lowest or any tender.
105. If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods, materials or services or executing the works as it thinks fit.

106. A notice issued under Standing Orders 100 –102 shall contain a statement of the effect of Standing Orders 84 and 85.

Code of Conduct on Complaints

107. The Council shall deal with complaints of maladministration allegedly committed by the Council or any officer or member in such manner as adopted by the Council except for those complaints that should be properly directed to the Public Services Ombudsman for Wales for consideration.

Variation, Revocation and Suspension of Standing Orders

108. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
109. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Standing Orders to be given to Members

110. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

Signature_____

Chairman

These revised and reprinted Standing Orders were adopted by the Council at its meeting held on 20th July 2017.