

# Goldcliff Community Council

## Standing Orders

Rules for debate at meetings	
Disorderly conduct at meetings	
Meetings generally	
Committees and sub-committees	
Ordinary council meetings	
Extraordinary meetings of the council, committees and sub-committees	
Previous resolutions	
Voting on appointments	
Motions for a meeting that requires written notice to be given to the proper officer	
Motions at a meeting that do not require written notice	
Management of information	
Draft minutes	
Code of conduct and dispensations	
Code of conduct complaints	
Proper officer	
Responsible financial Officer	
Accounts and accounting statements	
Financial controls and procurement	
Handling staff matters	
Responsibilities to provide information	
Responsibilities under data protection legislation	
Relations with the press/media	
Execution and sealing of legal deeds	
Communicating with county borough or county council councillors	
Restrictions on councillor activities	
Standing orders generally	

## **RULES OF DEBATE AT MEETINGS**

### **DISORDERLY CONDUCT AT MEETINGS**

No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct or leave the meeting.

If councillors or others become offensive in meetings, they can be asked to leave the meeting.

Chair can express them to leave and to have it second by another councillor.

### **MEETINGS GENERALLY**

Notices of meetings

The notice must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.

If a member wants to receive the summons in writing rather than electronically to the address allocated to them or notified as their address to the clerk, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.

In exceptional circumstances, a meeting of a committee or sub-committee of the council may be called at shorter notice. In which case, notices should be published with at least 24 hours' notice.

These notice requirements also apply where a formal meeting is taking place which is not open to the public.

The Council will take reasonable steps to allow meetings to be held from multiple locations having regard to the facilities available and the basis of the request.

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 and the press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public and the press to be excluded.

The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at the meeting, unless doing so is likely to prejudice the effective conduct of the meeting. This does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity to make representations about business to be discussed.

The period of time designated for public participation at a meeting shall not exceed ten minutes unless directed otherwise by the chair of the meeting and an individual a member of the public shall not speak for more than three minutes.

A question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.

A person who speaks at a meeting shall direct their comments to the chair of the meeting.

Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's written consent.

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.

Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice Chair of the Council (if there is one).

The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

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.

The chair 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 their casting vote whether or not they gave an original vote.

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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

The minutes of a meeting shall include an accurate record of the following:

- the time and place of the meeting;
- the names of councillors who are present and the names of councillors who are absent;
- interests that have been declared by councillors and non-councillors with voting rights;
- the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- if there was a public participation session; and the resolutions made.

A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts their right

to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.

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.

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. A meeting shall not exceed a period of two hours.

## **COMMITTEES AND SUB-COMMITTEES**

The Council may appoint and dissolve standing committees or other committees as may be necessary, and shall determine their terms of reference and arrangements for meetings

## **ORDINARY COUNCIL MEETINGS**

In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.

In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.

If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.

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 decides.

The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.

The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

The Vice-Chair of the Council if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.

In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

In an election year, delivery by the Chair 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 Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;

- Confirmation of the accuracy of the minutes of the last meeting of the Council and any committees
- Consideration of the recommendations made by a committee;
- Review of delegation arrangements to committees, membership, and their terms of reference, staff and other local authorities;
- Review and adoption of appropriate standing orders and financial regulations;
- Review of the eligibility criteria for the use of the general power of competence
- Review and adoption of the council's annual report
- Review and adoption of the council's training plan xiii. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- Review of representation on or work with external bodies and arrangements for reporting back;
- Review of inventory of land and other assets including buildings and office equipment;
- Confirmation of arrangements for insurance cover in respect of all insurable risks
- Review of the Council's and/or staff subscriptions to other bodies.
- Review of the Council's complaints procedure;
- Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation
- Review of the Council's policy for dealing with the press/media;
- Review of the Council's employment policies and procedures;
- Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972
- Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

The Chair of the Council may convene an extraordinary meeting of the Council at any time.

If the Chair of the Council does not 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 shall be signed by the two councillors.

The chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

If the chair of a committee or a sub-committee does not call an extraordinary meeting within (10) days of having been requested to do so by (5) members of the committee or the sub-committee, any (5) members of the committee or the sub-committee may convene an extraordinary meeting of the committee or the sub-committee.

## **PREVIOUS RESOLUTIONS**

A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 councillors to be given to the Proper Officer, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

When a motion moved has been disposed of, no similar motion may be moved for a further six months.

## **VOTING ON APPOINTMENTS**

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 chair of the meeting.

## **MOTIONS FOR A MEETING THAT REQUIRES WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

A motion shall relate to the responsibilities of the meeting for which it is tabled 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.

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 Proper Officer at least (10) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

The Proper Officer may, before including a motion on the agenda correct obvious grammatical or typographical errors in the wording of the motion.

If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least (8) clear days before the meeting.

If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair 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.

The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

Motions received shall be recorded and numbered in the order that they are received.

Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

The following motions may be moved at a meeting without written notice to the Proper Officer:

- to correct an inaccuracy in the draft minutes of a meeting;
- to move to a vote;
- to defer consideration of a motion;
- to refer a motion to a particular committee or sub-committee;
- to appoint a person to preside at a meeting;
- to change the order of business on the agenda;
- to proceed to the next business on the agenda;
- to require a written report;
- to appoint a committee or sub-committee and their members;
- to extend the time limits for speaking;
- to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- to not hear further from a councillor or a member of the public;
- to exclude a councillor or member of the public for disorderly conduct;
- to temporarily suspend the meeting;
- to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- to adjourn the meeting; or to close the meeting.

## **MANAGEMENT OF INFORMATION**

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. Such data will include recordings of meetings held by the Council.

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, recorded 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).

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.

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

## **DRAFT MINUTES**

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.

There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.

The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a note of such.

Following 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. No later than seven working days of a council meeting, the council must publish electronically the minutes, except private business or where disclosure would be detrimental to acting on those decisions.

## **CODE OF CONDUCT AND DISPENSATIONS**

Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

All councillors and non-councillors with voting rights shall undertake training in the code of conduct within six months of the delivery of their acceptance of office form.

Dispensation requests shall be in writing and submitted to the standards committee of the City Council as soon as possible before the meeting that the dispensation is required for.

## **CODE OF CONDUCT COMPLAINTS**

Upon notification by the Public Services Ombudsman for Wales 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 Proper Officer shall, subject to standing order 12, report this to the Council.

Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.

The Council may:

- provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
- seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.

## **PROPER OFFICER**

The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

- The Proper Officer shall serve notice of the meeting following the arrangement under “Meetings Generally” above.
- Convene a meeting of Council for the election of a new Chair of the Council occasioned by a casual vacancy in their office;
- facilitate inspection of the minute book by local government electors;
- receive and retain copies of byelaws made by other local authorities;
- hold acceptance of office forms from councillors;
- hold a copy of every councillor’s register of interests where the Council has resolved to require councillors to declare interests upfront;
- assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council’s relevant policies and procedures;
- liaise, as appropriate, with the Council’s Data Protection Officer (if there is one);
- receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g., the Limitation Act 1980);
- arrange for legal deeds to be executed;
- arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 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;
- refer a planning application received by the Council to the [Chair or in their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in their absence Vice-Chair (if there is one) of the ( ) Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [( ) committee];
- manage access to information about the Council via the publication scheme; and
- retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

## **RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## **ACCOUNTS AND ACCOUNTING STATEMENTS**

“Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils in Wales – A Practitioners’ Guide.” b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.

The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- the Council’s receipts and payments (or income and expenditure) for each quarter;

- the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
- to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **FINANCIAL CONTROLS AND PROCUREMENT**

The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer

## **HANDLING STAFF MATTERS**

Staff matters are to be dealt with by the Council and respect confidentiality.

## **RESPONSIBILITIES TO PROVIDE INFORMATION**

In accordance with freedom of information legislation, the Council respond to requests for information held by the Council.

## **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

The Council may appoint a Data Protection Officer.

Where personal data is held the Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data and have in place appropriate arrangements for managing a personal data breach.

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.

## **RELATIONS WITH THE PRESS/MEDIA**

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 by the Chair or in their absence the Vice Chair

## **EXECUTION AND SEALING OF LEGAL DEEDS**

A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

## **COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCILLORS**

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the [County Borough] OR [County Council] representing the area of the Council.

Unless the Council determines otherwise, a copy of each letter sent to the [County Borough] OR [County Council] shall be sent to the ward councillor(s) representing the area of the Council.

## **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

Unless duly authorised no councillor shall inspect any land and/or premises which the Council has a right or duty to inspect; or issue orders, instructions or directions.

## **STANDING ORDERS GENERALLY**

All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer.

The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.