

CYNGOR CYMUNED LLANFAIR DYFFRYN CLWYD COMMUNITY COUNCIL

STANDING ORDERS

1. MEETINGS

- 1.1. Meetings of the Council shall be held in suitable, accessible venues within the Community Council area at 19:00 unless the Council otherwise decides at a previous meeting.
- 1.2. The Statutory Annual Meeting (a) in an election year shall be held on the fourth day after the date of the election or within fourteen days thereafter and (b) in a year, which is not an election year, shall be held on the second Monday in May
- 1.3. A minimum of five additional meetings shall also be held on the second available Monday of the month
- 1.4. Additional meetings may be called by authority of the Chair
- 1.5. At least five working days notice of any meeting of the Community Council must be given in writing setting out the place and time of the meeting
- 1.6. Smoking shall not be permitted at any meeting of the Community Council
- 1.7. The contributions or speeches by a councilor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chair of the meeting
- 1.8. A meeting shall not exceed a period of 2 hours

2. CHAIR OF MEETING

- 2.1. The person presiding at a meeting may exercise all powers and duties of the Chair in relation to the conduct of the meeting
- 2.2. At a meeting of the Community Council the Chair shall preside
- 2.3. If the Chair is absent from a meeting the Vice Chair shall preside
- 2.4. In the absence of both the Chair and the Vice Chair a member for the meeting shall be appointed.
- 2.5. The person presiding at a meeting of the Community Council may exercise all the powers and duties of the Community Council Chair in relation to the conduct of the meeting

3. PROPER OFFICER

- 3.1. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he or she shall be the Clerk:-
 - 3.1.1. To receive declarations of acceptance of office
 - 3.1.2. To receive and record notices disclosing pecuniary interests
 - 3.1.3. To receive and retain plans and documents
 - 3.1.4. To sign notices and other documents on behalf of the Council
 - 3.1.5. To receive copies of bye-laws made by the County Council
 - 3.1.6. To certify copies of bye-laws made by the Community Council
 - 3.1.7. To sign summonses to attend meetings of the Council
- 3.2. In any other case the proper officer shall be the person nominated by the Community Council and, in default of nominations, the Clerk.

4. QUORUM

- 4.1. Three members shall constitute a quorum.
- 4.2. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of declared pecuniary interest, falls below the quorum. The business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chair may fix.

5. VOTING

- 5.1. All acts of the Community Council and all questions coming or arising before the Council shall be decided by a majority of the members present and voting thereon. Members shall vote by show of hands, or if at least two members so request by agreed ballot.
- 5.2. If a member so requires, the Clerk shall record the names of the members who votes on any question so as to show whether they voted for or against it.
 - 5.2.1. Subject to (5.2.2) and (5.2.3) below the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.

5.2.2. If the person presiding at the Annual Meeting would have ceased to be a member of the council but for statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term in office he/she may not give an original vote in an election for Chair person .

5.2.3. The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

6. ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or of a proper officer previously authorised by the Council to take such declaration before the annual meeting commences.)

6.1. At each Annual Meeting the first business shall be

6.1.1. To receive the report of the outgoing Chair

6.1.2. To elect a Chair

6.1.3. To receive the Chair's declaration of Acceptance of office or, if not received, to decide when it shall be received

6.1.4. To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received

6.1.5. To elect a Vice-Chair

6.1.6. To appoint representatives to outside bodies

And shall thereafter follow the order set out in Standing Order 6.4.

6.2. At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair of the Community Council be absent

6.3. At the first meeting following the Annual Meeting the Council shall review the pay and conditions of service of existing employees *(See Standing Order 11 below.)*

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

6.4.1. 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

6.4.2. After consideration to approve the signature of the Minutes by the person presiding as a correct record

6.4.3. To deal with business expressly required by statute to be done

6.4.4. To dispose of business, if any, remaining from the last meeting

6.4.5. To receive such communications as the person presiding may wish to lay before the Council

6.4.6. To consider questions-under the heading of matters arising

6.4.7. To receive and consider reports and minutes of committee

6.4.8. To receive and consider reports from officers of the Council

6.4.9. To authorise the signing of orders for payment

6.4.10. To consider resolutions or recommendations in the order in which they have been notified

6.4.11. Any other business specified in the summons

6.5. A motion to vary the order of business on the ground of urgency

6.5.1. May be proposed by the Chair or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and

6.5.2. Shall be put to the vote without discussion.

6.5.3. Members be allowed to consider questions under the heading –Any Other Business.

7. RESOLUTIONS WITHOUT NOTICE

7.1. Resolutions dealing with the following matters may be moved without notice:-

7.1.1. To appoint a Chair of the meeting

7.1.2. To correct the Minutes

7.1.3. To approve the Minutes

7.1.4. To alter the order of business

7.1.5. To proceed to the next business

7.1.6. To close or adjourn the debate

7.1.7. To refer the matter to a committee

7.1.8. To appoint a committee or any members thereof

7.1.9. To adopt a report

7.1.10. To amend a resolution

7.1.11. To give leave to withdraw a resolution or an amendment

- 7.1.12. To exclude the public.
(See *Standing Order 22.1 below.*)
- 7.1.13. To silence or eject from the meeting a member named for misconduct
(See *Standing Order 9 below.*)
- 7.1.14. To invite a member having an interest in the subject matter under a debate to remain
(See *Standing Order 18.1 below.*)
- 7.1.15. To give the consent of the Council where such a consent is required by these Standing Orders
- 7.1.16. To suspend any Standing Order.
(See *Standing Order 26.2 below.*)

8. CORRECTIONS TO MINUTES

- 8.1. No discussion shall take place upon the Minutes except their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.

9. DISORDERLY CONDUCT

9.1. No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalize the Council or bring it into contempt or ridicule

9.2. If, in the opinion of the Chair, a member has broken the provision of item (9.1) of this Order, the Chair shall express the 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 forthwith and without discussion

9.3. If either of the motions mentioned in item (9.2) is disobeyed, the Chair may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

10 VOTING ON APPOINTMENTS

10.1 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.

11. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

11.1 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 public shall be excluded (*See Standing Order 22.1.*)

12. EXPENDITURE

12.1. Orders for the payment of money shall be authorised by resolution of the Council and signed by THREE members, or otherwise by TWO members as well as the Responsible Financial Officer. The signatories on cheques to state their initials on cheque stubs.

13. COMMITTEES AND SUB-COMMITTEES

13.1. The Council may at the Annual Meeting appoint standing committees and at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

13.1.1. Shall not appoint any member of a committee so as to hold office later than the Annual Meeting, and

13.1.2. May at any time dissolve or alter the membership of the committee

13.2. The Chair and Vice-Chair shall be members of every committee

13.3. Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year

13.4. The Chair of a committee or the Chair 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 no 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.

13.5. Every committee may appoint sub-committees for purposes to be specified by the committee

13.6. The Chair and Vice-Chair of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve

13.7 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.

14. VOTING IN COMMITTEES

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

14.2. Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote

15. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

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

16. ACCOUNTS AND FINANCIAL STATEMENT

16.1. As laid down in the Financial Regulations or:-

16.1.1. Except as provided in item (16.1.2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

16.1.2. 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 authorised by the committee, if any, having charge of the business to which it relates, or by the Chair or Vice-Chair of the Council.

16.1.3 All payments ratified under item (16.1.2) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

16.2 The Clerk shall supply to each member at the Annual General Meeting after the end of the Financial Year a statement of receipts and payments.

16.3 The Clerk shall add to the agenda of the May meeting items relevant to Annual Risk Assessment, Financial Risk Assessment, Financial Regulations and Standing Orders.

ESTIMATES

16.4 The Council shall approve written estimates for the coming financial year at its meeting in the month of November.

17. INTERESTS

17.1. If any member has any pecuniary interest, direct or indirect, within the meaning of section 94-95 of the Local Government Act, 1972, in any contract, proposed contract or other matter, he/she shall while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(b) or:-

17.1.2 The disability imposed upon him/her by those sections has been removed by the County Council; or

17.1.3 The Council invite him to remain; or

17.1.4 The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.

17.2 The Clerk shall record in a book kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

17.3 If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he/she shall, having declared it, be invited to withdraw from the meeting.

17.4 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/she and the person to whom

he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so 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 Order 18.3 shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

18 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

18.1 Canvassing of members 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 to every candidate.

18.2 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial for submission to the Council with an application for appointment.

18.3 Standing Order Nos 18.4, 19.1 and 19.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

19 INSPECTION OF DOCUMENTS

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

19.2 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

20 UNAUTHORISED ACTIVITIES

20.1 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council

20.1.2 Inspect any lands or premises which the Council has a right or duty to inspect; or

20.1.3 Unless authorised to do so by the Council or the relevant committee or sub-committee.

21 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

21.1 The public shall be admitted to all meetings of the Council and its committees and sub-committee, which may, however, temporarily exclude the public by means of the following resolution, viz,:

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

(Notes: The special reasons should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

21.2 The Clerk shall afford the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

21.3 If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that he/she be removed from the Council Chamber.

21.4 Twenty minutes will be the time set aside to receive statements from the public, and any one member of the public shall have three minutes to deliver their statement. Only items which have been received by the Clerk, 48 hours prior to the meeting shall be valid

CONFIDENTIAL BUSINESS

21.5 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.

21.6 Any member in breach of the provision of item (23.1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

22 LIAISON WITH LOCAL AUTHORITY COUNCILLORS

22.1 A notice of meeting shall be sent together with an invitation to attend to County Councillors for the ward.

23 PLANNING APPLICATIONS

23.1 The Clerk shall, as soon as it is practicable submit particulars of every planning application notified to the Council.

23.1.2 The date on which it was received:

23.1.3 The name of the applicant:

23.1.4 The place to which it relates:

23.1.5 A summary of the nature of the application

23.2 Should the application be received between meetings, the Clerk shall refer every planning application to the Chair of the Council together with two other members for comments. In the absence of the Chair, the application to be referred to the Vice Chair and two members. The decision of the three members to then be submitted to the next Council Meeting, for confirmation of the comments/ actions taken by them and the Clerk.

24 STANDING ORDER ON CONTRACTS

24.1 Where it is intended to enter into a contract exceeding £3,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works. The Clerk shall give at least three weeks public notice of such intention, in the same manner as public notice of meetings of the Council is given. Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition to all firms, included in the appropriate standing approval list of contractors maintained by the County Council. If no such list is maintained, then in such newspapers circulating in the district as the Council shall direct.

24.2. 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 the tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

24.3 Tenders shall be opened by the Clerk, or person, to whom tenders are required to be addressed. On the date specified pursuant to item (26.2) of this Order and shall be reported by the person who opened them to the Council or, where tenders have been sought by a committee or sub-committee to that committee or sub-committee.

24.4 Neither the Council nor any committee or sub-committee is bound to accept the lowest tender.

24.5 If no tenders are received or if all tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the work as it thinks fit.

24.6 A notice issued under this Standing Order shall contain a statement of the effect of Standing Order 18.4, 19.1, 19.2 and 19.3.

25 CODE OF CONDUCT ON COMPLAINTS

25.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

26 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

26.1 Any or every part of the Standing Orders, may be suspended by resolution in relation to any specific item of business.

26.2 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.

27 STANDING ORDERS TO BE GIVEN TO MEMBERS

27.1 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.

Revised and approved by Council on 8 October 2018 Minute Reference 488
[changes - paras 1.7 and 1.8 added]