

BISHTON COMMUNITY COUNCIL

CYNGOR CYMUNED TRESEFGOB

STANDING ORDERS

These Standing Orders must be observed in conjunction with Bishton Community Council's (the Council) Financial Regulations and any individual financial regulations relating to contracts.

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

1. Councillors

1.1 Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.

1.2 All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business. Any low level complaints made against Councillors will be dealt with where practicable by the Council's Local Resolution Protocol (see Appendix 1). These will include for example:

- Minor complaints from Councillors about Councillors;
- Minor complaints from employees (other than Clerk) about Councillors;
- Councillors alleged to have not shown respect and consideration to other Councillors.

1.3 The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity and will complete the Declaration of Personal Interest form accordingly.

2. Meetings (all held in public)

- 2.1** Ordinary meetings of the Council shall be held in the months of September to July. Special Meetings may be called at any time on the instructions of the Chair of the community council on the request of not less than one-half of the total number of Council members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the Community Council area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Clerk of the Council. Annual general meetings are held annually in May.
- 2.2** The notice of ordinary and annual general meetings of the Council, featuring the date, time and venue, shall be placed on the Council’s website by the Clerk of the Council, and sent electronically to Councillors, at least 5 days before the date fixed for the meeting.

3. Minutes

- 3.1** Draft minutes of the proceedings of a meeting of the Council shall be drawn up by the Clerk (or other nominated person in the Clerk’s absence) and distributed to Councillors within 10 days for initial review into any substantive errors or omissions. Following a 5-day review period, amended minutes will be distributed to Councillors and placed on the Council’s website. The minutes which are circulated will be draft minutes until they are approved by the Council at their next meeting and signed by the person presiding at that meeting.

4. Quorum

- 4.1** A quorum shall be one-third of the current voting membership of the Council, or 3 voting members, whichever is the greater. If there are insufficient Councillors present, then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.

5. Order of Business

5.1 Ordinary Meeting

Order of business at every ordinary meeting of the Council shall be as follows:

- (a) Recording of membership present and apologies received.
- (b) Declarations of Interest.
- (c) Police Matters.
- (d) Announcements.
- (c) Questions from Members of the Public.
- (d) The minutes of the last meeting of the Council shall be submitted for approval.
- (f) Business as listed on the agenda.
- (g) Chair to declare date, venue and time of next meetings and close meeting.

5.2 Annual General Meeting

It will not be uncommon that the Council has arranged for an ordinary meeting of the Council to begin at the close of the annual general meeting (the AGM), to enable any outstanding reporting on business matters to be heard; and for Councillors and members of the public to have an opportunity to bring matters to the attention of the Council, possibly for inclusion on a future agenda.

Order of business at every AGM of the Council shall be as follows:

- (a) Recording of membership present and apologies received.
- (b) Election of the Chair and Vice-Chair of the Council
- (c) The minutes of the last AGM which were adopted at the Full Council Meeting immediately following the last AGM, to be presented to the AGM for reference.
- (d) Retiring Chair's Annual Report (and questions from the floor).
- (e) Clerk's Annual Report (and questions from the floor).
- (f) Clerk's submission of Balance Sheet and Annual Accounts (and questions from the floor).
- (g) Chair to close meeting.

5.3 Extraordinary General Meeting

Order of business at every extraordinary general meeting of Council shall be as follows:

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chair to close meeting.

- (d) The minutes of the Extraordinary Meeting will be submitted for adoption at the next Full Council Meeting.

6. Order of Debate

- 6.1** The agenda for the meeting will be drafted by the Clerk and agreed by the Council 5 days before the date fixed for the meeting. The agenda will always include an item to enable Councillors to declare interests. If any agenda items are held over from the previous meeting due to lack of time will be dealt with before any new agenda items. An opportunity for public questions will be made available immediately before the commencement of each meeting.
- 6.2** The Chair shall decide all questions of order, relevancy and competency arising at meetings of the Council and her/his ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public raised at 6.1 above. The Chair shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the Council meeting to a time he/she may then, or afterwards, fix.
- 6.3** If the Chair is not present then the Vice Chair will preside. If they are not present, then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting.
- 6.4** Every motion or amendment shall be moved and seconded. After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question. A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof. A motion or amendment which is contrary to a previous decision of the Council shall not be competent within six months of that decision.
- 6.5** No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Clerk at least 3 clear days before the next meeting. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents. Motions in respect of the following matters may be moved without written notice –

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or subcommittee or any councillors (including substitutes) thereto.
- xi. To receive nominations to a committee or subcommittee.
- xii. To dissolve a committee or subcommittee.
- xiii. To note the minutes of a meeting of a committee or subcommittee.
- xiv. To consider a report and/or recommendations made by a committee or a subcommittee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds [signed by two councillors] and witnessed.
- xvii. To authorise the payment of monies up to £200.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by standing orders.
- xxii. To suspend any standing order except those which are mandatory by law.
- xxiii. To adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from Councillors.

6.6 Members of the public may speak at Council meetings at the discretion of the Chair of the meeting.

7. Voting

- 7.1** Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- 7.2** The Chair of a meeting of the Council shall have a casting vote as well as a deliberative vote.

8. Committees

- 8.1** The Council may appoint and record in minutes such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

9. Clerk and Other Employees of the Council

- 9.1** The Council will appoint a Clerk and may appoint further employees to assist it in the performance of its duties. All appointments shall be advertised openly, including on the Council's website. The Council will appoint an Appointments Panel of 3 members to consider applications and make recommendations to the full Council for appointment. All employees will have a contract of employment stating the terms and conditions under which he/she is employed, and the specific requirements of the post. The Clerk is responsible for supervising other employees.

10. Finance

- 10.1** The following financial regulations within this Section 10 must be observed in conjunction with the Council's Financial Regulations and any individual financial regulations relating to contracts.
- 10.2** The Clerk of the Council will take on the role of managing the Council's financial affairs in accordance with proper practices. The Clerk will compile statements and future estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of December in preparation for the precept being agreed, and submitted to the Collection Authority in January. During the year the Council will review the budget against actual expenditure and income, and adjust it as necessary.

10.3 The Clerk will complete the annual financial accounts of the Council as soon as practicable after the end of the financial year and will submit and report on them to the Council. The Council will review each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures. The Clerk will submit the annual accounts to the External Auditor by the due date, ensuring the return is complete.

10.4 The Council's banking arrangements will be made by the Clerk and approved by the Council. They will be regularly reviewed for efficiency. A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques. The Clerk will examine invoices and verify and certify the expenditure. Cheques and bank debits must be signed by two authorised Councillors.

10.5 Anyone placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction. The following expenditure limits will apply -

- i. Orders with a value of £30 and over must be conducted using a Bishton CC debit card;
- ii. The Chair can approve non-emergency discretionary expenditure up to the value of £100;
- iii. The Clerk is authorised for all reasonable expenditure regarding the administration of Council business;
- iv. Orders for values £500 to £2,000 will require a minimum of two quotations;
- v. Orders for values above £2,000 will require three quotations;
- vi. Contracts exceeding £50,000 require additional safeguards and will follow proper practice. All estimates will be subject to approval by full Council though while the Council is not obliged to accept the lowest quotation, the reasons for accepting the quotation will be recorded;
- vii. Emergency expenditure is set to a maximum of £1,000;
- viii. The Chair can approve emergency expenditure up to £500; and
- ix. The Chair and Vice Chair together can approve emergency expenditure up to £1,000.

(see Appendix 2 for Bishton Community Council Financial Budget Flow Approval Process Flowchart)

10.6 All correct and valid invoices will be paid by the Clerk. Where practicable, the Clerk will ensure payment of such invoices within 5 working days of receipt for BACS payments, and within 10 working days for other payments.

10.7 The Clerk will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed regularly, in conjunction with a health and safety inspection of assets if appropriate.

10.8 The Clerk will promptly complete any VAT return that is required. Any repayment claim due in accordance with VAT legislation will be made at least annually.

10.9 The Council will review annually the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public and Employer's Liability.

11. Freedom of and Access to Information

11.1 The Council is subject to the Freedom of Information Act. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents.

11.2 The Council is also subject to the provisions of the Local Government (Democracy) (Wales) Act 2013 including those which require the publication of information about the Council's membership, meetings, minutes, financial accounts, register of interests, and other documents to be published electronically on the Council's website. The Clerk will ensure that that the Council conforms to the Act.

12. Responsibilities Under Data Protection Legislation

12.1 The Council has policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.

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

12.3 The Council will ensure that information communicated in its Privacy Notice is in an easily accessible and available form on the Council's website and kept up to date.

13. Management of Information

- 13.1** The Council will 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.
- 13.2** Council will 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 Document Retention Policy shall confirm the period for which information (including personal data) shall be retained. The Council will ensure that information communicated in its Document Retention Policy is in an easily accessible and available form on the Council's website and kept up to date.
- 13.3** 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 or explicit agreement from the data owner.
- 13.4** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification or explicit agreement from the data owner.

14. Standing Orders

- 14.1** These and any other Standing Orders will be reviewed at least annually by the Finance and Governance Committee. A proposal to alter these Standing Orders may be proposed at any time by the Council, provided that notice of motion to that effect is given on the agenda of a Council meeting at which the motion is discussed.
- 14.2** The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

Appendix 1 – Bishton Community Council Local Resolution

- 1** The complaint would need to be sent to the Clerk to undertake a first sift to ensure that the complaint is at a suitable low level and should not be dealt with by way of a complaint to the Public Services Ombudsman for Wales (the Ombudsman). If appropriate, the Clerk will firstly seek an early resolution of any such dispute by liaising informally with the individuals concerned prior to the following resolution process. It is vitally important that the ‘accused’ individual is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.
- 2** It is important to note that the involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the parties involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis. The Clerk will act as a facilitator for the resolution process.
- 3** It is the intention that all of the process can be completed as quickly as possible to resolve the issue. However, exact timing will depend on the availability of individuals to attend the meetings.
- 4** Depending on who the complainant is and the person subject to the complaint, the following will apply:
 - 4.1** If the complaint is between Councillors other than the Chair of the Council, the Clerk and the Chair will meet individually with the complainant and the Councillor subject of the complaint to seek an agreed resolution.
 - 4.2** If the complaint is between Councillors, one of whom is the Chair of Council, but not the Vice Chair, the Clerk and the Vice Chair will meet with the complainant and Councillor subject of the complaint to seek an agreed resolution.
 - 4.3** If the complaint has been made by an employee (not the Clerk) against a Councillor other than the Chair of Council, the Clerk and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.
 - 4.4** If the complaint has been made by an employee (not the Clerk) against the Chair of Council, the Clerk and the Vice Chair of Council will meet with the employee and the Chair of Council to seek an agreed resolution.

- 4.5** If the complaint has been made by an employee (not the Clerk) against the Vice Chair of Council, the Clerk and the Chair of Council will meet with the employee and the Chair of Council to seek an agreed resolution.
- 4.6** If the complaint has been made by an employee (not the Clerk) against the Vice Chair of Council, the Clerk and the Chair of Council will meet with the employee and the Chair of Council to seek an agreed resolution.
- 4.7** If the complaint has been made by the Clerk or the Clerk is the subject of the complaint, then the details will be forwarded by way of a complaint to the Ombudsman.
- 5** If an agreement is reached by Councillors and/or employees during this process, then no further action is required. Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed. However, if agreement cannot be reached the aggrieved party would always have the opportunity of referring the matter to the Ombudsman.
- 6** Any meetings held with a view to discussing the issues of complaints and/or resolving matters will be minuted. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the Ombudsman. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Appendix 2 – Bishton Community Council Financial Budget Flow Approval Process (v4)

