

CYNGOR CYMUNED Y FERWIG COMMUNITY COUNCIL

STANDING ORDERS – Issue B

CHAIRMAN.

- 1 a) The Chairman shall be elected by the Councillors from amongst the duly elected Council members.

DEPUTY CHAIRMAN

- 2 a) The Council shall appoint a Councillor to be Deputy Chairman.
b) The Deputy Chairman may, if for any reason the Chairman is unable to act, or the office of Chairman is vacant, discharge all functions which the Chairman as such might discharge except that he shall not take the chair at a meeting of the Council unless specially appointed to do so.

MEETINGS

- 3 a) Meetings of the Council shall be held at monthly intervals (omitting any meeting in August) at 7:30 o'clock in the evening, unless the Council has previously decided otherwise. Meetings shall alternate between venues in Ferwig and Penparc.
b) The Statutory Annual Meeting in an election year shall be held on, or within fourteen days after the day on which the Councillors elected at the election take office and in any other year the annual meeting shall be held on such a day in May as the Council may determine.
c. i. An extraordinary meeting of the council may be called at any time by the Chairman..
ii. If the Chairman refuses to call an extraordinary meeting of the Council after requisition for that purpose, signed by two Councillors has been presented to him, or if, without refusing, the Chairman does not call an extraordinary meeting within seven days after such requisition has been presented to him, any two members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.
d. Three clear days at least before a meeting of Council
i) Notice of the time and place of the intended meeting shall be fixed in some prominent place in the community/town and, where the meeting is called by or on the requisition of members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting.
ii) A notice regarding the meeting, specifying the business proposed to be transacted at the meeting, shall be left or sent by post to the usual place of residence of every member of the Council.
iii) Want of service of such notice as is referred to in sub 3 d (ii) above on any member of the Council shall not affect the validity of the meeting.

CHAIRMAN OF MEETING

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

PROPER OFFICER

- 5 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
a) to receive and record declarations of acceptance of office
b) to receive and record notices disclosing pecuniary interests.
c) to receive and retain plans and documents.
d) to sign notices and other documents on behalf of the Council.
e) to receive copies of bylaws made by the County Council
f) to attest copies of bylaws made by the County Council.
g) to sign notices to attend meetings of the Council.
In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

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QUORUM

- 6 a) Four members shall constitute a quorum. A resolution to suspend any part of the Standing Orders shall be adopted only if two thirds of the votes cast are in favour of the motion.
- b) If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chairman may fix.

VOTING

- 7 Voting at meetings shall be by show of hands, or, if the Council so decides, by secret ballot.
- 8 a) A member may request a recorded vote; the request must be made before the vote is taken. The Clerk shall record the names of the members who voted on the question so as to show whether they voted for or against it.
- b) A member may reserve the right to record his name against any resolution of the Council.
- 9 a) Save as in hereinafter provided, the Chairman may vote as a Councillor on any matter, and in the event of an equality of votes he shall exercise a casting vote.
- b) The Chairman shall not vote as a Councillor in the election of the Chairman on any occasion on which he will himself cease to be a Councillor immediately after the election.
- c) In any case of equality of votes, the Chairman may give a casting vote.

ORDER OF BUSINESS

- 10 Newly elected councillors are required to make Declarations of Acceptance of Office before acting. In an election year they should do this in the presence of each other or of the Clerk before the Annual Meeting begins.

At each Annual Meeting the first business shall be

- a) To accept and sign the Accounts of the previous year, if these are available, and have not been accepted at a previous ordinary meeting
 - b) To elect a Chairman.
 - c) To receive the Chairman's declaration of acceptance of Office or, if not then received, to decide when it shall be received.
 - d) If the person elected Chairman is absent, appoint a Chairman for the meeting.
 - e) To elect a Deputy Chairman.
 - f) To nominate and appoint members to outside bodies.
 - g) To appoint statutory committees, or standing committees when necessary.
 - h) To consider the payment of any subscription falling to be paid annually.
 - i) To inspect any deeds and trust instruments in the custody of the council.
and shall thereafter follow the order set out in Standing Order 13.
11. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman be absent or unwilling to preside and to receive such declaration of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
 - 12 At the first Budget meeting after the ordinary elections the first business shall include consideration of the question whether the pay and conditions of existing employees of the Council shall be reviewed. (See Standing Order 26 below).
 - 13 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground 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 signature of the minutes by the presiding Chairman as a correct record.
 - c) To deal with business expressly required by statute to be done.
 - d) To receive such communications as the presiding chairman may wish to lay before the Council.

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- e) To answer any questions.
 - f) To dispose of any business, if any, remaining from the last meeting.
 - g) To receive and consider reports and minutes of committees and advisory committees.
 - h) To receive and consider reports from officers of the Council.
 - i) To authorise the sealing of documents.
- 14 A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or any member and, if proposed by the Chairman, may be put to the vote without being seconded, and any such motion shall be put to vote without discussion.

RESOLUTIONS MOVED WITHOUT NOTICE

- 15 Resolutions 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 members thereof
 - i) To adopt a report
 - j) To authorise the sealing of documents
 - k) To amend a motion
 - l) To give leave to withdraw a motion or amendment
 - m) To extend the time limit for speeches
 - n) To consider otherwise than in committee a question affecting an employee of the Council
 - o) To exclude the press
 - p) To exclude the public
 - q) To silence or eject from the meeting a member named for misconduct
- (The next resolution is governed by the standing order on members interested in contract or other matters)
- r) To invite a member having an interest in the subject matter under debate to remain
 - s) To give consent of the Council where such consent is required by these standing orders.

QUESTIONS

- 16
- a) A member may ask the Chairman any questions concerning the business of the Council
 - b) A member with or without notice may ask the Chairman of a committee any question upon the proceedings of the committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
 - c) A person to whom a question has been put may decline to answer.
 - d) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to members of the Council with the minutes of the meeting at which the question was asked.

RULES OF DEBATE

- 17 A discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes must be initialled by the Chairman.
- 18
- a) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period in the debate.
 - b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - c) An amendment shall be either
 - i) To leave out words
 - ii) To leave out words and insert or add others

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- iii To insert or add words
 - d) An amendment shall not have the effect of negating the motion before the Council
 - e) If an amendment be carried, the resolution, as amended, shall take place of the original resolution upon which any further amendment may be moved.
 - f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved [but a Councillor may with the permission of the Chairman give notice of his desire to propose a further amendment to the motion or an amendment to the amendment]
 - g) The mover of a resolution or of an amendment shall have a right of reply
 - h) A member, other than the mover of a resolution, shall not without leave of the council, speak more than once on any resolution except to move an amendment or further amendment, or on a point of order, or in personal explanation or to move the closure.
 - i) A member may make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. This member must be heard immediately.
 - j) A motion or amendment may be withdrawn by the proposer with unanimous 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 permission has been refused.
 - k) When a resolution is under debate no other resolution may be moved except the following
 - i To amend the resolution
 - ii To proceed to the next business
 - iii To adjourn the debate
 - iv That the question be put
 - v That a member be not further heard
 - vi That a member named do leave the meeting
 - vii That the resolution be referred to a committee
 - viii To exclude the public the press or both
 - ix To adjourn the meeting
- 19 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.

CLOSURE

- 20 At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council be now adjourned”. If such motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive 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

- 21 a) No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b) If, in the opinion of the Chairman, a member has so misconducted himself, 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 forthwith without discussion.
- c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably be necessary to enforce them.

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RIGHT OF REPLY

- 22 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If 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 RESOLUTION

- 23 A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 24 a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least four (4) members of the Council.
- b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- c) This standing order shall not apply to resolutions moved in pursuance of the report or recommendation of a committee.

VOTING ON APPOINTMENTS

- 25 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 votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given of one person

DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 26 If at meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or condition 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 and press shall be excluded. (See Standing Order 52)

RESOLUTIONS ON EXPENDITURE

- 27 Any motion which, if carried, would in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of the Council, or which would involve capital expenditure, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

EXPENDITURE

- 28 Invoices for the payment of money shall be authorised by the resolution of the Council. Cheques shall be signed by the Chairman, Clerk, and any two other Council members.

COMMITTEES AND SUB-COMMITTEES

- 29 The Council may at the 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, and
- b) may at any time dissolve or alter the membership of a committee.
- 30 The Chairman or his deputy shall be members of every committee.
- 31 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.
- 32 Every committee may appoint sub-committees for the purposes specified by the committee.

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- 33 The Chairman or 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.
- 34 Except where ordered by the Council in the case of a committee or by the Council or the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one third of its members.
- 35 The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

ADVISORY COMMITTEES

- 36 a) The Council may appoint advisory committees.
b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
c) An advisory committee may make recommendations and give notice thereof to Council.
d) An advisory committee may consist wholly of persons who are not members of the Council.

VOTING IN COMMITTEES

- 37 Voting in committees and sub-committees shall vote by show of hands.
38 Chairmen of committees and sub-committees shall have a second or casting vote.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 39 A member who has proposed a motion which as been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.
40 Any Council member shall, unless the Council otherwise orders, be entitled to be present as an observer at the meetings of any committee or sub-committee of which he is not a member.

ACCOUNTS AND FINANCIAL STATEMENT

- 41 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 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, and payment shall be authorised by the Committee, if any, having charge of the business to which it relates or by the Chairman/Mayor or Deputy.
c) All payments authorised under sub-paragraph (b) of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before Council.
- 42 The Clerk shall supply to each member after the end of the financial year a statement of receipts and payments.

ESTIMATES

- 43 Any committee desiring to incur expenditure to be defrayed out of the rates shall, not later than November give to the clerk a written estimate of the expenditure recommended for the coming year, and such estimate shall be submitted to the Council at its meeting in January.

INTERESTS

- 44 The Council shall adhere to the latest issue of Conduct of Members (model Code of Conduct) (Wales) published by the National Assembly for Wales as amended, which was adopted by it at a meeting held on 12th May 2008.
- 45 The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in any matter, again, in accordance with the latest issue of the Conduct of Members (model Code of Conduct) (Wales) published by the National Assembly for Wales, and the book shall be available during reasonable hours of the day

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for the inspection of any member.

46 If a candidate for any appointment under the Council is to his knowledge related to any member of or the 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.

47 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, the Standing Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

48 a) Canvassing of members or any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make this rule known to every candidate.

b) A member of the Council shall not solicit for any person any appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for an appointment.

INSPECTION OF DOCUMENTS

49 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.

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

b) The minutes of the Council shall be open to inspection by any local government elector of the Community without charge.

c) Specific documents, may be copied for members of the Public, at a pre-determined charge, if approved in advance by the Council.

UNAUTHORISED ACTIVITIES

51 a) No member of the Council or any committee or sub-committee shall in the name of or on behalf of the Council:

b) inspect any lands or premises which the Council has a right or duty to inspect; or

c) issue orders; unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

52 The public and the press shall be admitted to all meetings of the Council and its committees, which may, however, be temporarily exclude the public or the press or both by means of the following resolution: "that in the view of the special and/or confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw"

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

54 If a member of the public interrupts the proceedings at any meeting, the Chairman/Mayor may, after warning, order that the part of the chamber open to the public be cleared.

CONFIDENTIAL BUSINESS

55 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.

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LIAISON WITH COUNTY / COUNTY BOROUGH COUNCILLORS

56 A notice of meeting shall be sent to the County/County Borough Councillors for the Community.

PLANNING APPLICATIONS

- 57 a) The Clerk shall ensure that every application is presented to the Council at the next Council meeting.
b) Should the County Council require observations on any application before the date of the next Council meeting, the Clerk shall bring it to the attention of the Chairman who will advise regarding the need to contact other members of the Council.

STANDING ORDERS ON CONTRACTS

58 See Ferwig Community Council's Financial Regulations.

VARIATION REVOCATION AND SUSPENSION OF STANDING ORDERS

- 59 Any part of the Standing Order [except those printed in italic letters] may be suspended by resolution in relation to any specific item of business.
A resolution to suspend any part of Standing Orders must be carried by 2/3 (two thirds) of those voting on the motion
- 60 A motion permanently to 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

- 61 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.

**Ferwig Community Council's Standing Orders are based upon -
THE WALES ASSOCIATION OF COMMUNITY AND TOWN COUNCILS (Now superseded by One Voice
Wales) MODEL STANDING ORDERS.**

The Community Council acknowledge the assistance given by WACTC, in providing the basic information.

Note – Issue B notes the following changes –

1. WACTC to One Voice Wales.
2. Code of Conduct wording changed to show latest issue

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