

Penybont & District Community Council

STANDING ORDERS

10th February 2021

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1 TYPES OF MEETING

1.1 Meetings

Meetings of the Council shall be held in the Council Chamber, Strand Hall, Builth Wells unless the Council decides otherwise.

1.2 Statutory Annual Meeting

(a) In an election year shall be held at 7.30 pm on the second Tuesday following the day on which the elections to the Council were held.

(b) In a year which is not an election year shall be held at 7.30 pm on the third Tuesday in May.

1.3 Ordinary Meetings

Unless the Council decides otherwise shall be held on the second Tuesday of each month and will normally commence at 7.30 pm.

1.4 Extraordinary Meetings

(a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

(b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

(c) The Chairman of a committee may convene an extraordinary meeting of the committee at any time.

(d) If the Chairman of a committee does not or refuses to call an extraordinary meeting within seven days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

2 PROCEDURES AT MEETINGS

2.1 Chairman

(a) The Chairman of the Council Meeting shall be the Town Mayor or in the absence of the Town Mayor the Deputy Town Mayor.

(b) In the absence of both the Mayor and the Deputy Town Mayor a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

(c) The Committees shall elect their own Chairman and Vice-Chairman at their first meeting following the Annual Meeting.

2.2 Quorum of the Council

- (a) **Four members shall constitute a quorum at all Meetings of the Council including all Committee Meetings.**
- (b) If a quorum is not present or if during a meeting the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

2.3 Order of Business

- (a) **At each Annual Council Meeting the first business shall be:-**
 - (i) **To elect the Chairman.**
 - (ii) **To receive the Chairmans declaration of acceptance of office, or, if not then received, to decide when it shall be received.**
 - (iii) **In the ordinary year of election of the Council to decide the method to be adopted to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - (iv) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
 - (v) To elect the Deputy Chairman of the Council.
 - (vi) To appoint representatives to outside bodies.
 - (vii) To appoint committees.

Note: (vi) and (vii) may be left until the next meeting of the Council.

- (b) **At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairman if the Cahirman or Deputy Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- (c) In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 6.2 must be read in conjunction with this requirement.
- (d) After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-
 - (i) To receive apologies for absence.
 - (ii) Disclosure of interest on any items to be discussed.
 - (iii) 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.
 - (iv) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - (v) **To deal with business expressly required by statute to be done.**
 - (vi) To dispose of business, if any, remaining from the last meeting.
 - (vii) To receive and consider reports and minutes of committees.
 - (viii) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - (ix) To authorise the signing of orders for payment and consider any other financial matters.
 - (x) To consider Planning Applications.
 - (xi) To receive reports from representatives to outside bodies.
 - (xii) To authorise the sealing of documents.

2.4 Urgent Business

A motion to vary the order of business on the grounds of urgency:-

- (i) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (ii) Shall be put to the vote without discussion.

2.5 Resolutions Moved On Notice

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

2.6 Resolution Moved Without Notice

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

- (a) To appoint a person to preside at a meeting.
- (b) To approve the absences of Councilors.
- (c) To correct the Minutes.
- (d) To approve the Minutes.
- (e) To alter the order of business.
- (f) To proceed to the next business.
- (g) To close or adjourn the debate.
- (h) To refer a matter to a committee.
- (i) To appoint a committee or any members thereof.
- (j) To dissolve a committee.
- (k) To adopt a report.
- (l) To authorise the sealing of documents.
- (m) To amend a motion.
- (n) To give leave to withdraw a resolution or amendment.
- (o) To extend the time limit for speeches,
- (p) To exclude the press or public (see Order 2.15 below).
- (q) To silence or eject from the meeting a Councilor or member of the public for disorderly conduct (see Order 3.1 below).

- (r) To give the consent of the Council where such consent is required by these Standing Orders.
- (s) To suspend any Standing Order (see Order 7.5 below).
- (t) To adjourn the meeting.
- (u) To appoint representatives to outside bodies.

2.7 Questions

- (a) A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided ten clear days notice of the question has been given to the person to whom it is addressed.
- (b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.

2.8 Rules of Debate

- (a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialed by the Chairman.
- (b) A resolution or amendment shall not be discussed unless it has been proposed and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- (c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed ten minutes and no other speech shall exceed five minutes except by consent of the Council.
- (e) An amendment shall be either:-
 - (i) To leave out words.
 - (ii) To leave out words and insert others.
 - (iii) To insert or or add words.
- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or an amendment shall have the right of reply, not exceeding five minutes.
- (j) 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 an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.

- (m) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (n) When a resolution is under debate no other resolution shall 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 now put.
 - (v) That a member named be not further heard.
 - (vi) That a member named leave the meeting.
 - (vii) That the resolution be referred to a committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
- (o) A member shall remain seated when speaking unless requested to stand by the Chairman.
- (p) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (q) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- (r) Whenever the Chairman speaks during a debate all other members shall be silent.

2.9 Voting

- (a) Members shall vote with a show of hands except where:-**
 - (i) More than fifty per cent of those members present and voting require a secret vote.**
 - (ii) The vote is for the election of Chairman or Vice-Chairman of the Council or its Committees or other Council appointments where such a vote shall be in secret.**
- (b) If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
- (c) Subject to (d) and (e) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.**
- (d) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.**
- (e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

2.10 Voting on Appointments

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.

2.11 Alteration of Resolution

A member may move amendments to his or her own resolution.

2.12 Rescission of Previous Resolution

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

2.13 Right of Reply

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

2.14 Closure

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 do now adjourn'. The Chairman shall put the motion but, in the case of a motion 'that the question be now put', only if he is of the opinion that the question before the council has been sufficiently debated. If the motion 'that the question be now put' is carried, he shall call upon the mover to exercise or waive his/her 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.

2.15 Admission of The Public and Press to Meetings

- (a) **The public shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude** the public by means of the following resolutions:-
 - 'That in the view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw'.
- (b) The Council shall state the special reason for exclusion.
- (c) At all meetings of the Council the Chairman may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- (d) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

- (e) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as it necessary to restore order.

3 CONDUCT OF MEMBERS

3.1 Disorderly Conduct

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- (b) If, in the opinion of the Chairman, there has been a breach of standing order 3.1(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If a resolution made in accordance with standing order 3.1(b) above, is disobeyed, the Chairman may take such further steps as may be reasonably be necessary to enforce it and/or he/she may adjourn the meeting.

3.2 Code of Conduct

- (a) All councillors shall observe the code of conduct adopted by the Council.**
- (b) Councillors may exercise rights contained in standing order 3.2(c) below, only if members of the public are permitted to:**
- (i) Make representations.**
 - (ii) Answer questions.**
 - (iii) Give evidence relating to the business being transacted.**
- (c) Councillors who have a prejudicial interest in relation to any item of business being transacted at that meeting may:**
- (i) Make representations.**
 - (ii) Answer questions.**
 - (iii) Give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
- (d) Any breach or an alleged breach of the code of conduct by a Councillor must be referred to the Public Ombudsman for Wales who will provide advice and guidance as to how the matter should be dealt with.**

3.3 Interests

- (a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then that interest must be declared and a decision made by the member whether to stay or withdraw.**
- (b) If a candidate for an appointment under the Council is to his/her knowledge related to any member of or the 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 a relationship to a member is disclosed, this Standing Order shall apply.**
- (c) The Clerk shall make known the purport of this Standing Order to every candidate.**

3.4 Confidential Business

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

3.5 Unauthorised Activities

No member of the Council or of any committee shall in the name of or on behalf of the Council unless authorised to do so by the Council or the relevant committee:-

- (a) Inspect any lands or premises which the Council has the right or duty to inspect; or
- (b) Issue orders, instructions or directions.

3.6 Canvassing of And Recommendations by Members

- (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) Standing Orders Nos. 3.3 (a) and 3.3 (b) shall apply to tenders as if the person making the tender were a candidate for an appointment.

4 COMMITTEES

4.1 Committees

- (a) The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf.
- (b) No committee shall have less than five members.
- (c) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- (d) May appoint persons other than members of the Council to any committee.
- (e) May subject to the provisions of Order 2.12 above at any time dissolve or alter the membership of a committee.
- (f) The Town Mayor and Deputy Town Mayor, ex-officio, shall be voting members of every committee.
- (g) Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council and shall settle its programme of meetings for the year.

4.2 Advisory Committees

- (a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- (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 the Council.
- (d) An advisory committee may consist wholly of persons who are not members of the Council.

4.3 Voting in Committees

- (a) Members of committees entitled to vote, shall vote by show of hands, or, if at least two members so request by secret ballot.
- (b) **Chairmen of committees shall in the case of an equality of votes have a second or casting vote.**

4.4 Presence of Non-Members of Committees at Committee Meetings

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.

5 FINANCE

5.1 Financial Matters

The Council has considered and approved financial regulations which have been prepared by the Clerk and Responsible Financial Officer.

5.2 Resolutions on Expenditure

Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, 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 (and the Policy and Resources Committee shall report on the financial aspect of the matters).

5.3 Expenditure

- (a) **Orders for the payment of money shall be authorised by resolution of the Council with TWO signatories on all cheques (two Councilors).**
- (b) Where payments are made prior to the approval of the Orders for Payment these shall be properly documented and presented at the first opportunity for approval.

5.4 Accounts and Financial Statement

- (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Mayor or Deputy Mayor of the Council.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the council for the completed financial year.

5.5 Estimates/Precepts

- (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.
- (b) When possible any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31 December.

6 STAFF

6.1 Proper Officer

- (a) Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk.
- (b) The Clerk's duties shall include:-
 - (i) To receive declarations of acceptance of office.
 - (ii) To receive and record notices disclosing interests at meetings.
 - (iii) To receive and retain plans and documents.
 - (iv) To sign notices and other documents on behalf of the Council.
 - (v) To receive copies of bylaws made by another local authority.
 - (vi) To certify copies of bylaws made by the Council.
 - (vii) To sign and issue the summons to attend meetings of the Council.
 - (viii) To keep proper records for all Council meetings.

6.2 Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to an appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order 2.15).

7 MISCELLANEOUS

7.1 Planning Applications

The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-

- (a) The date on which it was received.
- (b) The name of the applicant.
- (c) The place to which it relates.
- (d) The Clerk shall refer every planning application received to the Chairman or in the Chairman's absence the Deputy Chairman within 48 hours of receipt.

7.2 Execution and Sealing of Legal Deeds

- (a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) **In accordance with a resolution made under standing order 7.2(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

7.3 Liaison with County Councillors

- (a) A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the appropriate division.
- (b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be transmitted to the County Councillor for the division.

7.4 Inspection of Documents

- (a) A member may for the purpose of his/her duty as such (but not otherwise), inspect a 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.
- (b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

7.5 Variation, Revocation and Suspension of Standing Orders

- (a) Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- (b) 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.

7.6 Standing Orders to be Given to Members

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