

# **Whitland Town Council**

## **STANDING ORDERS**

### **Meetings of the Council**

1. Meetings of the Council shall normally be held on the first Monday of each month at 7.00pm unless otherwise agreed, with the exception of August. If the normal meeting day is a Bank Holiday, the meeting will be on the first Tuesday of the month. Meetings shall normally be held in Whitland Town Hall Mayor's Parlour.

Three clear working days' public notice for a meeting should be provided, which does not include the day on which the notice was issued or the day of the meeting.

In addition to the annual meeting in May, any number of other ordinary meetings may be held each year on such dates and times as the Council decides.

No meeting should normally exceed two hours in length. It is at the discretion of the Chair to suspend a meeting should it reach this length and considerable business still remain. This business would be added to the next meeting's agenda.

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

### **The Statutory Annual Meeting**

2. This shall normally be held on such a day in May as the Council decides. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.

The Chair of the Council shall preside continue in office and preside at the annual meeting until his successor is elected, unless he has resigned or become disqualified. In an election year, if the current Chair has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair has been elected. The current Chair shall not have an original vote in respect of the election of the successor but shall give a casting vote in the case of an equality of votes.

### **Chairman of meeting**

3. 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**

4. Where a statute, regulation or order confers functions or duties on the proper officer of the Council, in the following cases it shall be the Clerk to the Council:-

- a. To receive 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 documents on behalf of the Council.
- e. To receive copies of byelaws made by the County Council.
- f. To certify copies of byelaws made by the Council.
- g. To sign and serve on Councillors summonses to attend meetings of the Council by email or paper copy.

- h. To provide in a public place notice of the time, place and agenda for meetings they have signed, and also publish these details electronically, so long as no information is included that relates to items to be considered in private, or which might be contrary to law.
- i. To record and maintain the minutes of Council meetings.
- j. To provide public access to the minutes by local government electors.
- k. To convene a meeting of Council for the election of a new Chairman, should there be a casual vacancy in that office.
- l. To receive and send general correspondence on behalf of the Council unless there has been a resolution to the contrary.
- m. To manage the organisation of, storage, access to, security of and destruction of information held by the council in both paper and electronic form, subject to the requirements of existing legislation.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, shall be the Clerk.

### **Code of Conduct**

5. All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council. The Council shall follow the guidance from the Monitoring Officer and the Public Services Ombudsman in any investigation when an allegation that there has been a breach of the Code of Conduct.

Dispensation requests shall be submitted to the Standards Committee of Carmarthenshire County Council at the earliest opportunity after the member understands one will be required.

### **Quorum**

6. Five members shall constitute a quorum for full Council meetings.

If a quorum is not present when the Council meets or, if during any meeting the number of councillors present and not debarred by reason of a declared personal and pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

### **Voting.**

7. Members shall vote by a show of hands, or if two members so request, by signed ballot.

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.

All questions and decisions at a meeting that is quorate may be decided by those present and voting, whether unanimous or a majority.

a. Subject to b. and c. below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes, may give the casting vote even though he gave no original vote.

b. 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 may not give an original vote in election for Chairman.

c. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

### **Declaration of Acceptance of Office**

**8.** In an election year Councillors should execute their Declarations of Acceptance of Office in each other's presence at the start of the Annual Meeting.

At any other time the Declaration of Acceptance of Office should be made either at the start of the first meeting after the person was elected or co-opted, or in the presence of the Clerk to whom this has been delegated. The Declaration must be done within two calendar months of the Councillor being elected or co-opted onto the Council.

### **Order of business.**

**9.** At each Annual Meeting, the first business shall be:

- a. To elect a Chairman who normally will also serve as the Mayor.
- b. To receive the outgoing Chair/Mayor's report on the year.
- c. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- d. To decide when any declarations of acceptance of office which have not been received as provided by law, shall be received.
- e. To elect a Vice – Chairman.
- f. To appoint representatives to any statutory bodies.
- g. To appoint any Committees. There will normally be a Staffing Committee and a Budget and Policy Committee as a minimum.
- h. To receive a Statement of Accounts for the year just ended (unaudited).
- i. To appoint the internal auditors for the coming year.

At every meeting, other than the Annual Meeting, the first business in the absence of the Chairman and Vice-Chairman, shall be to appoint a Chairman and to receive any Declarations of Acceptance of Office (if any).

In every year, not later than the meeting at which the estimates for the next year are settled (normally December or January), the Council shall review the pay and conditions of its Clerk & Financial Officer.

After the first business has been completed, the business transacted, unless the Council decided otherwise on the grounds of urgency, shall include:

- a. To receive, approve and confirm the minutes of the previous meeting(s), as a correct record.
- b. To deal with business expressly required by statute to be done.
- c. To deal with any ongoing business or business directly related to the minutes.
- d. To deal with any business remaining from the last meeting.
- e. To deal with any new business as notified to the Council.
- f. To receive the Clerk's report.
- g. To receive the County Councillor's report.
- h. To receive correspondence addressed to the Council
- i. To receive details of planning matters referred by the County Council

- j. To approve accounts for payment and to sign cheques as provided by the Bank Mandate.
- k. To receive information on matters of interest/relevance, and notification of business for the next meeting.
- l. To consider resolutions or recommendations in the order in which they have been notified.
- m. To agree date, time and venue of next meeting.

A motion to vary the order of business from that which is on the agenda on the grounds of urgency 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 shall be put to the vote without discussion.

Once a resolution has been made by the Council it shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer at least five clear days before a meeting, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

The Clerk shall record, number and date of each notice of resolution received by him.

#### **Extraordinary and extra ordinary meetings.**

**10.** The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

The Clerk may call an extra ordinary meeting of the Council. This is usually in consultation with the Chairman.

All meetings called will abide by the three clear days rule for the public notification.

#### **Committees and sub-committees.**

**11.** The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary. The Council shall determine their terms of reference, and may dissolve a committee or sub-committee.

Either the Chairman or Vice Chairman shall be ex officio members of every committee. Any committee may include non-councillors unless it is one which regulates and controls the Council's finances. Non-councillors do not have voting rights on committees or sub-committees.

A committee may appoint a sub-committee, whose terms of reference and members shall be determined by the committee.

#### **Resolutions moved without notice.**

**12.** 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 debate
- g. to appoint a committee or members thereof
- h. to adopt a report
- i. to authorise the sealing of documents
- j. to agree payment of invoices
- k. to amend a motion
- l. to give leave to withdraw a resolution or amendment
- m. to exclude the public
- n. to silence or eject from the meeting a member named for misconduct
- o. to invite a member having an interest in the subject matter under debate to remain
- p. to give the consent of the Council where such consent is required by these Standing Orders.
- q. to suspend a particular Standing Order. Reasons must be provided and minuted, and the suspension agreed by a majority or unanimous vote.
- r. to adjourn the meeting.

### **Questions.**

**13.** A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

Every question shall be put and answered without discussion.

A person to whom a question has been put may decline to answer.

### **Rules of debate.**

**14.** No discussion shall take place upon the minutes except upon their accuracy. Corrections to minutes shall be made by resolution and must be initialled by the Chairman.

- a. Motions on the agenda shall be considered in the order they appear unless the order is changed at the discretion of the Chairman.
- b. A resolution or amendment shall not be discussed unless first proposed.
- c. A member shall direct his speech to the question under discussion.
- 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 to leave out/insert/add words.
- f. An amendment shall not have the effect of negating the resolution before the Council.

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

### **Closure.**

**15.** 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’. If such a motion is seconded the Chairman shall put the motion to the Council provided that he is satisfied that the motion has been sufficiently debated.

### **Disorderly conduct.**

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

b If person(s) disregard the request of the Chair/vice Chair of the meeting to moderate or improve their conduct, any councillor or the Chair/vice Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 13(b) is ignored, the Chair/vice Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **Voting on appointments.**

**17.** This shall be done in accordance with the process detailed in the Election and Co-option Policy.

### **Accounts and financial statement.**

**18.** The Council shall consider and approve Financial Regulations for the detailed management and arrangements for the Council’s finances. These shall be reviewed at least annually to ensure they are fit for purpose.

All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.

Where in exceptional circumstances it is necessary to make a payment before it has been authorised by the Council such payment shall be certified as to its correctness by the proper officer and shall be paid with the approval of the Chairman or Vice Chairman. This will be reported to Council at the next meeting.

The Financial Officer shall provide quarterly reports to Council on the current financial position, including a comparison with the year’s financial budget.

The Financial Officer shall supply to each member as soon as possible at an ordinary meeting following the end of the Financial Year, an unaudited Statement of Accounts for the year just ended. The annual governance and accountability return shall be presented to the Council for consideration and formal approval before 30<sup>th</sup> June unless the Financial Officer has requested and obtained an extension from the External Auditor.

### **Estimates.**

**19.** The Council shall consider and approve estimates for the coming year at its meeting in the month of December or January each year.

### **Interests.**

20. The Clerk shall record particulars of any notice given by any member or any officer of the Council of a personal or pecuniary interest in a contract, and the record shall be available at any reasonable time for inspection by any Councillor or member of the public.

### **Inspection of documents.**

21. All Minutes kept by the Council shall be open to inspection by any Councillor or member of the public.

### **Management of information.**

22. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

The agenda and papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

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

### **Information and data protection**

23. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

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

The Council shall have a written policy in place for responding to and managing a personal data breach.

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

The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

The Council shall maintain a written record of its processing activities.

### **Unauthorised activities.**

24. No member shall in the name of or on behalf of the Council inspect any land or

premises, issue orders, instructions or directions unless authorised in the minutes of the Council so to do.

### **Admission of the public and press to meetings.**

25. The public shall be admitted to all meetings of the Council unless temporarily excluded by resolution because 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 resolution regarding the public's exclusion from part or all of a meeting shall give the reasons for it.

Members of the public may be invited to address the meeting at the discretion of the Chair, subject to prior notification of that wish and the topic concerned to the Clerk.

The press shall be afforded reasonable facilities for taking their report of proceedings at which they are entitled to be present.

If at any meeting a member of the public interrupts the proceedings, the Chairman may, after warning, order that he be removed from the Council meeting.

### **Confidential business.**

26. No member of the Council shall disclose any business deemed to be confidential, to any person not a member of the Council.

### **Liaison with County Councillors.**

27. A notice of meetings shall be sent to the County Councillor for the Community.

### **Planning applications.**

28. All planning applications shall be referred to the Council's members.

Where there is a need for urgent response which falls outside normal meeting patterns, the Clerk shall confer with the Chairman or Vice Chairman whether an extra ordinary meeting should be called.

### **Standing orders on contracts.**

29. Tenders shall be opened on the date specified in the tender documentation by the Clerk, Chairman and one other Councillor, unless the date coincides with a normal meeting of the Council in which case tenders will be opened at that meeting.

The Council is not bound to accept the lowest tender.

### **Standing orders generally.**

30. All or part of a Standing Order, except where it includes mandatory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

The decision of the Chairman as to the application of Standing Orders at a meeting shall be final.



Should a situation arise that is not covered in these Standing Orders, then the Chairman may decide to defer the item until the next meeting, allowing time to refer to current legislation, the latest One Voice Wales provided generic Standing Orders, and the Monitoring Officer, as necessary.

All members shall be given a copy of these Standing Orders at the time of taking the Declaration of Acceptance Office.

Adopted 5<sup>th</sup> November 2018

To consider adding at some point: urgent matters may be raised in a meeting and decision made on the item. However this item should be included on the agenda of the next meeting and ratified there. Council should understand that any decision made when the items was not on the published agenda can be open to challenge.