



# Standing Orders

June 2022

	Page
Introduction	-
Rules of Debate at Meetings	9
Disorderly Conduct at Meetings	10
Meetings Generally	10
Committees & Sub-Committees	12
Ordinary Council Meetings	13
Extraordinary Meetings of the Council, Committees and Sub Committees	14
Previous Resolutions	14
Voting on Appointments	14
Motions for a meeting that require written Notice to be given to the Proper Officer	15
Motions at a meeting that do not require written Notice	15
Management of Information	16
Draft Minutes	16
Code of Conduct & Dispensations	16
Code of Conduct Complaints	16
Leader and Deputy Leader of Council (majority political party)	17
Proper Officer	17
Delegated Powers	17
Responsible Financial Officer	18
Accounts and Accounting Statements	18
Financial Controls and Procurement	18
Handling Staff Matters	19
Responsibilities to provide information	20
Responsibilities under GDPR and Data Protection legislation	20
Relations with Press/Media	20
Execution and sealing of Legal Deeds	21
Restrictions on Councillor Activities	21
Standing Orders Generally	21
Mobile Phones	21
Revision of Standing Orders	21

## **INTRODUCTION**

*These model standing orders update the National Association of Local Councils (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.*

## **HOW TO USE MODEL STANDING ORDERS**

*Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.*

*Local councils operate within a wide statutory framework. NALC’s model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.*

*The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council’s Responsible Financial Officer. Model financial regulations are available to councils in membership of One Voice Wales (OVW). These are attached and form the full Neath Town Council Constitution.*

## **DRAFTING NOTES**

*Model standing orders that are in ‘**bold type**’ contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.*

## 1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:

- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 10 minutes without the consent of the chairman of the meeting.

## 2. **DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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 2(b) is ignored, the chairman 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.

## 3. **MEETINGS GENERALLY**

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice (eg Special Full Council).**
- d **Meetings shall be open to the public 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 public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e The preferred method of communicating with the Council is that any member of the public can contact their Councillor directly or write to the Council via the Clerk. Should they wish to attend a meeting with questions, their questions should be submitted to the Clerk, three days in advance in order that Council can prepare a response in a timely manner.
- f Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- g The period of time designated for any public participation session at a meeting in accordance with standing order 3(e) shall not exceed (5) minutes unless directed by the chairman of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than (1) minute.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise their hand, or virtual hand, when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
- k A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- n Recordings of any Committee (audio or video) will be conducted by authorised Council Officers for the purposes of recording the minutes only.
- o **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- p **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- q **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- s **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.** *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*
- t **Unless standing orders provide otherwise, voting on a question shall be by a show of hands, or virtual hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- u The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

- vi. if there was a public participation session; and
- vii. the resolutions made.

v **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter, is subject to obligations in the code of conduct adopted by the Council.**

w **No business may be transacted at a Full Council meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than six.**

*See standing order 4(d)(viii) for the quorum of a committee or sub-committee meeting.*

x **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

y A meeting shall not exceed a period of 3 hours.

#### 4. **COMMITTEES AND SUB-COMMITTEES**

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

d the Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 1 day before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

e The Town Mayor, Leader and Deputy Leader of the Council shall members of all Committees with voting rights unless:

- i. they are appointed in their own right as a member of the Committee;
- ii. they signify in writing to the Town Clerk that they do not wish to serve on a Committee;

iii. the Town Council determine that they should not be a member of a Committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **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.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
- d **In addition to the Annual Meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. Review of inventory of land and other assets including buildings and office equipment;

- xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xiv. Review of the Council's and/or staff subscriptions to other bodies;
- xv. Review of the Council's complaints procedure;
- xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xvii. Review of the Council's policy for dealing with the press/media;
- xviii. Review of the Council's employment policies and procedures;
- xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
- xx. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

**6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- 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 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.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 6 members of the committee [or the sub-committee], any 6 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

**7. ATTENDANCE OF MEMBERS AT COMMITTEE PROCEEDINGS**

- a A Member of the Town Council shall be entitled to attend all Committee meetings of the Council, but shall not be permitted to take part in the proceedings of a Committee unless appointed to the membership of that Committee.
- b A Member may take part in the proceedings of a Committee to which the Member has not been appointed with the consent of that Committee. However, the Member shall not be entitled to vote on the proceedings of that Committee.
- c The right of attendance at meetings permitted under this Standing Order shall not apply to Sub-Committees, Working Groups or Panels. However, where there is a need to know information being considered by a Sub-Committee or other body to enable a Member to properly fulfil their role or duties as a Town Councillor, that Member may be permitted to attend a meeting with the agreement of the Chair of the Sub-Committee or other body.

**8. PREVIOUS RESOLUTIONS**

- a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

**9. VOTING ON APPOINTMENTS**

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person

having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

**10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least **3** clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least **3** clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i A Council Member, who has proposed a motion and which has been referred to a Committee, shall be entitled to attend the meeting of the Committee to which the motion has been referred and to speak to the motion.

**11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

## 12. MANAGEMENT OF INFORMATION

See also standing order 20 (Financial Controls & Procurement).

- a **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.**
- b **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). This also links with GDPR processes.**
- c **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.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 13. DRAFT MINUTES

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

*"The chairman of this meeting does not believe that the minutes of the meeting of the ( .... ) held on [date] in respect of ( .... ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."*
- e Subject to standing order 11(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be immediately destroyed.

## 14. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights must undertake training in the code of conduct twice within their 5 year term and within 6 months of their acceptance of office (for new Members).
- c **Dispensation requests shall be in writing and submitted to the Clerk for Full Council as soon as possible before the meeting that the dispensation is required for.**

## 15. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Proper Officer that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall,

subject to standing order 10, report this to the Chair of Council, Leader and Deputy Leader of Council (majority party) and the Chair of the political party which relates to the Member, where appropriate.

- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council, Leader and Deputy Leader of Council (majority party) of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - iii. indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.

## 16 LEADER AND DEPUTIES OF POLITICAL GROUPS

Where a grouping of Members (political or otherwise) exists amongst the Council membership and that group has appointed a Leader and Deputy Leader, the names of the persons appointed shall be notified to the Town Clerk who, in turn, shall report the relevant details to the Council either at the Annual Meeting, or at an ordinary meeting in the event of any change in appointment during the year.

The Leader and Deputy Leader of the majority group (political or otherwise) shall be designated as Leader and Deputy Leader of the Council.

The Leader of the Council shall be the first line of reference for the Town Clerk in all matters of agreed Council policy and direction. In the absence of the Leader, the Deputy Leader of the Council shall become the first line of reference.

## 17. PROPER OFFICER (ALSO SEE DELEGATED POWERS)

- a The Proper Officer is the Town Clerk and the Deputy Clerk/Responsible Financial Officer who have been nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- **at least three clear days before a meeting of the council, a committee or a sub-committee:**
  - **serve on councillors via Neath Town Council's online members portal, a signed summons confirming the time, place and the agenda; and**
  - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.**

*See standing order 3(b) for the meaning of clear days for a meeting of a Full Council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- i. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least **3** days before the meeting confirming their withdrawal of it;
- ii. **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iii. **facilitate inspection of the minutes by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. hold acceptance of office forms from councillors;
- vi. hold a copy of every councillor's register of interests;
- vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- viii. liaise, as appropriate, with the Council's Data Protection Officer;

- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;  
*See also standing order 23;*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the [Chairman or in their absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in their absence Vice-Chairman (if there is one) of the Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR committee];
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. *Also see also standing order 23.*

## **18. RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## **19. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils in Wales – A Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor on a monthly basis via Full Council and the Finance Committee, a statement to summarise:
  - i. the monthly Council's receipts and payments (or income and expenditure);
  - ii. the Council's aggregate receipts and payments (or income and expenditure) accumulative and for the year to date;
  - iii. quarterly reporting which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments or income and expenditure) for the year to 31 March. A completed draft Annual Return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The Annual Return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **20. FINANCIAL CONTROLS AND PROCUREMENT**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. subject to standing orders 20(e) and (f) whether contracts with an estimated value below £15,000 or due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial Regulations, included in this Constitution, shall be reviewed regularly and at least annually for fitness of purpose, post May Annual Meeting of Council.
- c Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised locally as seen appropriate by the external expert who is project leave for the particular project, and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer, or delivered to an external expert in that particular field of work;
  - v. tenders shall be opened by the Proper Officer in the presence of Mayor, Deputy Mayor, Leader and Deputy Leader plus any available Councillors after the deadline for submission of tenders has passed, unless the process is being dealt with by an external expert in that particular field of work;
  - vi. tenders are to be reported to and considered by the Full Council meeting of the Council or a committee or sub-committee with delegated responsibility.
- d Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU (via the Council's professional advisors).**
- f **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 21. HANDLING STAFF MATTERS (See Staff Handbook)

- a A matter personal to a member of staff that is being considered by a meeting of Policy & Personnel Committee is subject to standing order 12.
- b Subject to the Council's policy regarding absences from work, the Clerk shall notify the Policy & Personnel Committee of any relevant absence occasioned by illness or other reason and that person shall report such absence to the Clerk, this will be reported to and covered by the Policy & Personnel

Committee.

- c The Clerk shall upon a resolution conduct a review of the performance and annual appraisal of the work of members of staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Policy & Personnel Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chairman of the Council or in their absence, the Vice-Chairman of Council, Leader and Deputy Leader of the Council (majority party) in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Policy & Personnel Committee or via the Council's Welfare Officers.
- e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records.
- g The Town Council will determine from time to time whether vacant posts should be filled following interview by the Town Clerk and members of the Policy & Personnel Committee.
- h These posts will be advertised internally and if not filled, publicly advertised.

## **22. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 23.*

- a **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.**

## **23. RESPONSIBILITIES UNDER DATA PROTECTION & GDPR LEGISLATION**

(Below is not an exclusive list).

*See also standing order 12 (Management of Information).*

- a **The Council may appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**
- f **The Council shall maintain a written record of its processing activities.**

## **24. RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

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

“That in view of the (special) (confidential) nature of the business about to be transacted, the following matter(s) be considered in private and the power of exclusion of the public under Section 1 (2) of the Public Bodies (admission to Meetings Act 1960) be exercised”

- b. The Council shall state the special reason for exclusion.

- c. At all meetings of the Council the Chairman may at their discretion at the beginning of a meeting, or at a convenient time in the transaction of business, suspend the standing orders so as to allow a member 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 be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

**25. EXECUTION AND SEALING OF LEGAL DEEDS** *(only applicable to a Council with a common seal)*  
*See also standing orders 17(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **The Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

**26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- i. Unless duly authorised no councillor shall:
- ii. inspect any land and/or premises which the Council has a right or duty to inspect; or
- iii. issue orders, instructions or directions.

**27. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council’s standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council’s standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

**28. MOBILE PHONES / SCREENS FOR HYBRID MEETINGS**

Mobile phones must be switched off or on “silent” mode at all times during meetings of Council, Committees, Sub-Committees and Working Parties. The only exception to this is where due to wholly exceptional circumstances the Chair has agreed prior to the meeting that the mobile phone might be left on.

Screens should be left on for the entire hybrid meetings. However, Screens ***must*** be left on for hybrid meetings during ‘confidential’ business to ensure appropriate location of those attending in a hybrid capacity.

**29. REVISION**

It will be the duty of the Council to review these Standing Orders via the Policy & Personnel Committee from time to time to ensure they remain fit for purpose, usually best practice will be after each Annual Meeting of Council but no less than every 5 years.