

# **Standing Orders for Llanvaches Community Council**

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## ***How to use these standing orders***

Standing Orders are the written rules of the Community Council. They are used to confirm a council's internal organisational, administrative and procurement procedure and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Model standing orders that are in bold type contain statutory requirements. It is recommended that councils adopt them without changing them. Other model standing orders not in bold are designed to help councils operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. For convenience, the word "councillor" is used in model standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

These standing orders are taken from the model standing orders made available to Councils from One Voice Wales (ONV).

Once again, a Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation

Some model standing orders indicate by use of '( )' that information must be inserted before being adopted.

1 Some model standing orders indicate by use of the term 'OR' that an alternative option may apply.

These standing orders do not include financial regulations, namely a comprehensive set of model standing orders for the regulation of a Council's financial affairs and accounting procedures. Any reference in the model standing orders to financial regulations is a reference to a Council's standing orders for the regulation of its financial affairs.

## 1. Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- 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 **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Saturday, 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 shall not count.**
- ● c **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.**
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. Public participation shall be as follows:
  - i. At any time during a meeting, after the confirmation of the Minutes of the previous meeting, any Councillor (or the Clerk) may ask questions of a Member of the Public for purposes of clarification or information regarding the current item of business. Supplementary questions may be asked but debate should be avoided. All questions shall be addressed and answered through the Chair.
  - ii. The Chairman of the meeting shall set aside time for members of the public to make representations, give comment or ask questions, about matters included in the Agenda. The maximum time allowed for this Public Participation shall be 15 minutes and the item shall be placed on the Agenda immediately before Matters of Local Interest and Concern
  - iii. Any member of the public present at the meeting shall be allowed to take part in the Public Participation Session. In order to speak, a member of the public will raise his/her hand and wait to be invited to speak by the Chairman. That person would normally stand to speak. The order of speaking shall be determined by the Chairman. All questions and comments shall be addressed to the Chair.
  - iv. Each member of the public shall be allowed to ask one question plus a related supplementary question and speak once to make representations and/or give comments. A person may speak for a maximum of 5 minutes during the Participation Session.
  - v. The subject matter for the public participation must be an Agenda item, but, it may include matters, except resolutions, from the minutes of the previous meeting. The Chairman will rule upon the relevance of a person's subject matter.
  - vi. Council is not obliged to answer a question asked by a member of the public or a comment made. No debate will take place. However, the Chairman may direct that an oral response be given to a member of the public by a Councillor present or by the Clerk. The Chairman may also direct the Clerk to find an answer to a specific question and give a written response, preferably by e-mail, within 10 days after the meeting.

vii. In exceptional circumstances, where a Councillor believes that public participation would be very beneficial for a particular subject on the Agenda, that Councillor may interrupt business and propose that "Public Participation on this Section of the Agenda be allowed" and give reasons for the proposal. The motion will not need a Secunder and the Chairman shall move immediately to a vote on the proposal. If two thirds or more of the Councillors present vote for the motion, it will be declared carried.

viii. If the motion in Clause 1(d)vii is carried, the public may participate in the meeting without the constraints of Clause 1(d) iv above, until the end of that particular subject on the Agenda. At that point the Chairman shall declare "Full Public Participation is over".

ix. A record of a public participation session at a meeting shall be included in the minutes of that meeting.

-   e **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written or minuted consent.**
-   f **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  g **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
-  h **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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.**
-    i **Subject to the meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
-    j **The Chairman 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 also standing orders 2 (k) and (l) below.)**
-  k **Unless standing orders provide otherwise, voting on any question shall be by a show of 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.**
- l **The minutes of a meeting shall include an accurate records of the following:**

  - i. The time and the place of the meeting;
  - ii. The names of the councillors present and absent
  - iii. Interests that have been declared by councillors and non-councillors with voting rights
  - iv. Whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered
  - v. If there was a public participation session; and
  - vi. The resolutions made.

- ● ● **m** 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.
- **n** No business may be transacted at a 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 3.
- ● ● **o** **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- p** Meetings shall not exceed a period of 2 hours.

## 2. Ordinary Council meetings

*See also standing order 1 above*

- 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 new councillors elected take office.
- b** In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c** If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- d** In addition to the annual meeting of the Council, other ordinary meetings may be held in each year on such dates and times as the Council may direct.
- e** Before the start of business at the AGM the Chairman shall present a review of the past year detailing the achievements and problems, and identifying progress on the plans outlined after the previous AGM. At the Council Meeting following the AGM the Chairman shall present his/her plans and the Council's objectives for the following year
- f** **The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.** This shall be followed by the Election of any other office holders required by the Council (eg councillor with responsibility for planning).
- g** **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.**
- h** **The Vice-Chairman of the Council, if any, 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.**
- i** Office holders (including those mentioned in 2(k), may stand for re-election on two consecutive occasions only, therefore no person shall serve in the same office for a continuous period of more than three years. If no other Office Holder is willing to stand then the outgoing Chairman may be re-elected for a further year.
- i** Each potential office holder (including those mentioned in 2(k) must be proposed and seconded by members of Council. In the cases where there are two or more candidates for the same office, a paper vote will be held with the Clerk acting as Teller in accordance with Section 12

- j **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 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 must give a casting vote in the case of an equality of votes.**
- k **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 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 must give a casting vote in the case of an equality of votes.**
- l Following the election of the Chairman of the Council, Vice-Chairman and other post holders of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their declarations of acceptance of office 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 and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Appointment of members to existing committees.
  - vi. Appointment of any new committees, in accordance with Standing Order 15.
  - vii. Review and adoption of appropriate standing orders and financial regulations.
  - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back.
  - x. Review of inventory of land and assets including buildings and office equipment.
  - xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - xii. Review of the Council's and/or employees' memberships of other bodies.
  - xiii. Establishing or reviewing the Council's complaints procedure.
  - xiv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
  - xv. Establishing or reviewing the Council's policy for dealing with the press/media
  - xvi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3. Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. **Sign and serve on councillors by email, delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**

If the summons is sent by email the email must contain the electronic signature and title of the Proper Officer. In accordance with the above, the Agenda will be circulated to all Councillors and act as a Summons to the Meeting.
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by**

**councillors is signed by them).** The Agenda must, therefore, be on display on one of the Notice Boards three clear days prior to the meeting and efforts will be made to ensure that it is on display on all boards in that time frame.

- iii. The Clerk will prepare a Draft Agenda and agree the detail with the Chairman at least 10 days prior to the meeting. This draft will be circulated to Councillors nine calendar days prior to the meeting with a request for any changes and additions. Such changes and additions must be given to the Clerk within 36 hours. Suggested alterations from Councillors will be discussed by the Clerk and the Chairman and if accepted the draft will be amended. The following must be stated on the draft Agenda: Name of the Council, the office address, time place and date of the meeting and the business to be transacted.
- iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
- v. Make available for inspection the minutes of meetings.
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. Receive and retain declarations of acceptance of office from councillors.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds [to be sealed using the Council's common seal] OR [to be signed by 2 councillors] and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Refer a planning application received by the Council to all councillors within 2 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.
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4. Motions requiring written notice**

- a Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- b In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least nine days before the next meeting.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, 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 4(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least eight days before the meeting.
- e If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- f Subject to standing order 4 (d), 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 in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **5. Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To correct an inaccuracy in the minutes of the previous meeting.
  - iii. To dispose of business, if any, remaining from the last meeting.
  - iv. To alter the order of business on the agenda
  - v. To proceed to the next business on the agenda.
  - vi. To close or adjourn debate.
  - vii. To refer a motion to a particular committee, sub-committee or an employee.
  - viii. To appoint a committee or sub-committee and their members.
  - ix. To extend the time limit for speaking
  - x. To exclude the press and public for all or part of a meeting.
  - xi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xii. To not hear further from a councillor or member of the public.
  - xiii. To suspend any standing order except those which are mandatory by law.
  - xiv. To temporarily suspend the meeting.
  - xv. To adjourn the meeting.
  - xvi. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

## 6. Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion shall not be considered unless it has been proposed and seconded.
- c A motion included in an agenda not moved by the councillor who tabled it, may be treated 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 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 amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder and the meeting.
- i Subject to standing order 6 (k), 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.
- j A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- k One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of a 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 in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- p During the debate of 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 irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his 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 silent or for him 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;
  - ix. to suspend any standing order, except those which are mandatory.

- t Before an original or substantive motion is put to the vote, the chairman shall first be satisfied that the motion has been sufficiently debated.

## 7. Code of conduct and dispensations

*See also standing orders 1(d) above*

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c **Dispensation requests shall be in writing and submitted to the standards committee of Newport City Council** as soon as possible before the meeting that the dispensation is required for.

## 8. Code of Conduct Complaints

- a All complaints relating to breaches of the Code of Conduct by Community and Town Councils should be reported to the Public Ombudsman for Wales.
- b Llanvaches Community Council may:
- i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law.
  - ii. Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

## 9. Minutes

- a If the draft minutes of a preceding meeting have been circulated to councillors with the agenda to the meeting that they are due to be approved for accuracy, they shall be taken as read.
- b The Clerk will send a copy of the initial draft of the minutes to the Chairman within seven calendar days of the relevant Council Meeting. The Chairman and Clerk will discuss and agree any additions, alterations and appendices before circulation of the draft to Councillors.
- c The Clerk shall distribute the Draft Minutes to Councillors within twelve calendar days of the relevant Council Meeting. For those Councillors with internet facilities, the Minutes will be distributed as e-mail attachments. For other Councillors, postal or hand delivery (at the Clerk's discretion) will be used. The document distributed will be clearly marked 'Draft Minutes'.
- d The Clerk will wait seven calendar days from the date of distribution to allow Councillors to request corrections and amendments to the Draft Minutes. If the Clerk does not receive any such requests (by e-mail or post) before the end of the Councillors' Review Period, then the Draft Minutes will be published. If the Clerk does receive a request for alteration then the request will be referred immediately to the Chairman who will decide within 3 calendar days: Either to deal with the request at the next Council Meeting and to publish the Draft Minutes 'as is' or to require the Clerk to make the alteration and distribute Revised Draft Minutes.
- e If the Draft Minutes are to be published 'as is' the Chairman will explain the decision to the relevant Councillor(s). If Revised Draft Minutes are required, the Clerk will distribute them to all Councillors within 3 calendar days of the Chairman's decision. Revised Draft Minutes will then be processed in the same manner as the original draft.
- f Within 3 working days of the Minutes becoming available for publication the Clerk shall:
- i. Distribute any copies requested by Members of the Public and The Press.

- g It should be noted that notwithstanding the above, Councillors may request changes to the Draft Minutes up to the time that they are formally signed off by the Chairman in Council.
- h Minutes, including any amendment to correct their accuracy, 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.
- i 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 his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”
- j Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## 10. Disorderly conduct

- 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 the 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is ignored, the Chairman may take such further reasonable steps to restore order to progress the meeting This may include temporarily suspending or closing the meeting.

## 11. Previous resolutions

- a A resolution shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 4 councillors given to the Proper Officer in accordance with standing order 4.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12. Voting on appointments

- a 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. Any tie may be settled by the Chairman’s casting vote.

## 13. Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council’s financial regulations.
- b **The Council’s financial regulations shall be reviewed once a year.**
- c **The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.**

## 14. 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 14(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.**

## 15. Committees

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 5 days before the meeting that they are unable to attend;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vi. may in accordance with standing orders, dissolve a committee at any time.

## 16. Sub-committees

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## 17. 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 7 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 (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-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 (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by two councillors.

## 18. Advisory committees

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## 19. Accounts and accounting statements

- a 'Proper Practices' in standing orders refer to the most recent version of the 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 Council's financial regulations, which shall be reviewed at least annually.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year.
- a As soon as possible after the financial year end 31 March, the Responsible Financial Officer shall provide:
  - i. Each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information.
  - ii. To the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- d The year end accounting statements shall be prepared in accordance with the proper practices and applying the form of accounts determined by the council (receipts and payments or income and expenditure) for a year to 31 March. A completed draft of the annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 20. Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## 21. Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23. Unauthorised activities**

- b Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - iii. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - iv. issue orders, instructions or directions.

## **24. Confidential business**

- a Councillors [Wales: and employees] shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25. Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR [the ( ) committee] OR [the ( ) sub-committee] has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of [the ( ) committee] OR [the ( ) sub-committee] or, in his absence, the Vice-Chairman of [the ( ) committee] OR [the ( ) sub-committee] of any absence occasioned by illness or urgency and that person shall report such absence to [the ( ) committee] OR [the ( ) sub-committee] at its next meeting.
- c The Chairman of [the ( ) committee] OR [the ( ) sub-committee] or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of [the employee's job title] and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by [the ( ) committee] OR [the ( ) sub-committee].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of [the ( ) committee] OR [the ( ) sub-committee] or in his absence, the Vice-Chairman of [the ( ) committee] OR [the ( ) sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the ( ) committee] OR [the ( ) sub-committee].
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the Chairman or Vice-Chairman of [the ( ) committee] OR [the ( ) sub-committee], this shall be communicated to another member of [the ( ) committee] OR [the ( ) sub-committee], which shall be reported back and progressed by resolution of [the ( ) committee] OR [the ( ) sub-committee].
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to (post holder) and/or the Chairman of the Council OR [the ( ) committee] OR [the ( ) sub-committee].

## 26. Requests for Information

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of council. The council shall have the power to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(xi) above.

## 27. Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 28. Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council [in Wales: County Borough and County Council] representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council [in Wales: County Borough and County Council] shall be sent to the District or County or Unitary Council [in Wales: County Borough and County Council] councillor representing its electoral ward.

## 29. Financial matters

- 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 accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000 shall be procured on the basis of a formal tender as summarised in standing order 29(d) below.**

- d Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- e Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **30. Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

### **31. Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

### **32. Filling Councillor Vacancies Between Main Elections**

- a Stage 1: Within 10 calendar days of a vacancy being known to the Chairman, the notice shown in Appendix A (amended for dates etc) will be posted on one of the three Community Council Notice Boards by the Clerk on behalf of Newport City Council and arrangements made to post it on the other two.
- b If the notice results in a response by 10 electors, Newport CC will call for nominations. If the number of nominations is equal to, or less than, the number of vacancies, then those people will be elected. If the number of nominations is greater than the number of vacancies, an election must be held. This election will be organised by Newport CC and the cost will be charged to Llanvaches Community Council.
- c Stage 2 [32 (c) – (f)]: If a vacancy is not filled via the process in Stage 1 32(a) – (b) above, then co-option may take place. It should be noted that the Community Council will not operate a 'Waiting List' system.
- d Within 7 calendar days of Newport City Council telling the Community Council that a vacancy can be filled by co-option, the Clerk will post a notice (Appendix B) on the three Community Council Notice Boards. This notice will ask for people to put forward their names to the Clerk if they wish to be considered for co-option to the Community Council. The closing date for responses will be 10 calendar days after the date of posting the notice
- e If the response is fewer than the number of vacancies, the Chairman will ask Councillors to put forward names of people to be approached to consider co-option to Council.

- f The Clerk will ensure that all the candidates put forward to the next stages are qualified to serve as a Community Councillor in Llanvaches. The Chairman will be informed about any invalid applications prior to the applicants being informed.
- g Stage 3 [32(g) – (j)]: If the number of people putting forward their names is equal to, or less than, the number of vacancies, those people will be nominated as Councillors at the start of the next Community Council Meeting.
- h If the number of people exceeds the number of vacancies, the matter will be settled by the Councillors through secret ballot(s) before the start of the next Community Council Meeting. The Clerk will act as Teller.
- i If no candidate obtains more than 50% of the votes cast, the person with the lowest number of votes (plus any with zero votes) will be eliminated and the vote retaken. This process will be repeated until one candidate obtains more than 50% of the votes cast and is duly nominated as a Councillor. In the case of a tie at any stage, the Chairman will use a Casting Vote in addition to his/her vote as a Councillor.
- j In the case of more than one vacancy, the vote will be retaken with all the remaining original candidates and the process repeated until someone obtains more than 50% of the votes cast and the next vacancy is filled.

### **33. Community Events**

- a The Community Council may establish, by nomination, an Events Sub-Committee. The members of this Sub-Committee will be ex-officio the Council Chairman, Vice-Chairman and Finance Officer plus the Event Director (who must be a Community Resident but not necessarily a Councillor). The quorum will be 2 ex-officio members plus the Director.
- b Sub-Committee Meetings will be advertised 3 clear calendar days ahead. The meeting minutes/notes will be presented to the subsequent Community Council Meeting. The accounts of events organized by the Sub-Committee will be a sub-set of the Community Council Accounts and open to audit and examination.
- c If an events sub-committee is established, all Community Events using the Recreation Field and Glebelands Field must be organized through this Sub-Committee. If there is no events sub-committee, then independent event requests should be presented to the Llanvaches Community Council. If an events sub-committee is established, Llanvaches Community Council will establish a separate account (deposit) to cover Community Events, called the Llanvaches Community Council Events Fund.
- d Monies will be paid into this account by transfer of agreed budgeted amounts from the current account originating from Precept Monies, and through donations by the Ward Councillors from their Community Funds. The budgeted amount will be set when the Council's annual budget is agreed.
- e Monies will be paid out of the account via the Llanvaches Community Council Current Account and subject to the controls and restrictions defined in 'Standing Orders – Spending'.
- f The Community Council will consider the support of an event and any grant to be given towards that event, as an Agenda Item at an ordinary Community Council Meeting. An agreement for a grant will be in terms of 'A Grant up to £N'. As a guide, the maximum should not exceed £150. In circumstances of particular time pressure the Clerk may be instructed by the Chairman to make a grant of up to £35 as in 'Standing Orders – Spending Limits'. Any such instruction by the Chairman must be supported by at least one other Councillor.
- g Grants may be given for Independent Events only if they are open to all residents of the Llanvaches Community and are advertised throughout the community. Grants will not be given if the Event Organizers cannot ensure the Community Council that the relevant insurance cover for the event will be in place.
- h Grants will be paid to the Organizers of Independent Events on presentation of the Event Accounts, supported where practicable by receipts. Some Items, such as food, are often donated; a sensible amount to cover the donations could be highlighted in the accounts.
- i The total grant for an Independent Event will be calculated with the aim that with the grant support the event 'breaks even'; however the maximum grant given will be 50% of the Expenditure Costs. So in practice, the Organizers should raise through income, donations and prior fund-raising, at least £1 for every £1 contributed by the Community Council.

### **34. Correspondence**

- a A Correspondence List will be presented by the Clerk at each Community Council Meeting. It will give details of every piece of correspondence received and sent by Council (Clerk and Councillors) during the period since the previous list was published. The list will include detail of hard-copy and electronic documents and consist of 2 parts namely 'Correspondence Received' and 'Correspondence Sent'. The list will be filed as an Appendix to the relevant Meeting Minutes
- The listings will include:
- Date Received or Date Sent
  - Name of Sender
  - Type ~ Hard-Copy or E-mail
  - Title of Document
  - Brief Description of Content
- b Planning Matters: For time saving purposes, correspondence from the Planning Department at Newport City Council is addressed direct to the Planning Sub-Committee Chairman or Councillor responsible for planning issues at Llanvaches Community Council. The Sub-Committee Chairman or Councillor responsible for planning issues will inform the Clerk about each item as soon as practicable after receipt
- c Detail of all hard-copy replies on planning matters will be sent to the Clerk for inclusion on the Correspondence List. The Clerk will be included on the copy list of all e-mail correspondence on planning matters.
- d Master copies of all documents on planning matters will be filed by the Sub-Committee Chairman until three years after the particular application or appeal has been resolved
- e Finance Matters: Incoming hard-copy items relating to financial matters will be recorded, copied and then passed to the Finance Officer without delay. Master copies of all documents on finance matters will be filed by the Clerk
- f Other items: All incoming items will be recorded by the Clerk. Normally correspondence should be addressed to the Clerk, but in the few cases where items are addressed directly to Councillors, that Councillor will give the details to the Clerk to record on the listing. The majority of outgoing correspondence will be produced by the Clerk, but when it is produced by a Councillor, a copy must be sent to the Clerk for filing and listing. As a routine, the Clerk and Chairman should discuss the correspondence list at intervals of 7-10 days.
- g If the Clerk considers other hard copy correspondence to be urgent, the Chairman should be informed as soon as practicable. All incoming electronic mail will be forwarded to the Chairman and Vice Chairman shortly after receipt by the Clerk, who will retain copies for filing and processing.

# NOTICE OF VACANCY IN OFFICE OF COUNCILLOR

## COMMUNITY OF LLANVACHES

### NOTICE IS HEREBY GIVEN

that due to the resignation of a Member, a vacancy has arisen in the Office of Councillor for the Community Council.

If by 25<sup>th</sup> September 2015 (14 days after the date of this notice) a request for an election to fill said vacancy is made in writing to the Returning Officer at the address below by TEN electors for the said Community, an election will be held to fill the said vacancy; otherwise the vacancy will be filled by co-option.

If an election is called, it will take place not later than 10<sup>th</sup> November 2015.

Dated 11<sup>th</sup> September 2015

Signed : *Lucy Allen*  
Clerk to Community Council

Address for request: -  
The Returning Officer  
Civic Centre  
Newport  
South Wales  
NP20 4UR

**LLANVACHES COMMUNITY COUNCIL**  
**43 Inner Loop Road, Beachley,**  
**Chepstow, NP16 7HF**  
**Tel: 07748 072324**

## **NOTICE OF VACANCY ON COUNCIL**

A vacancy has arisen in the Office of Councillor for the Community Council. As there has been no call for an election, this vacancy may be filled by co-option to the Council.

The Community Council has an important role in the local democratic processes. It meets every two months on the third Tuesday in that month. Between meetings Councillors might be asked to contribute views and opinions or to attend the occasional special meeting.

Residents of Llanvaches and others qualified to serve in the said Office, are invited to apply for the vacancy with co-option taking place at the Community Council Meeting on DDMMYYYY. The co-opted member will have the same rights and responsibilities as those of an elected Member of the Community Council.

Please put your name forward to the Clerk, (insert details) (see address and phone number above) or the Chairman, (insert details)

This notice, posted on Wednesday DDMMYYYY, will close at the end of Saturday DDMMYYYY.

Lucy Allen  
Clerk to Community Council