ITEM 9

CYNGOR CYMUNED PENARLAG

HAWARDEN COMMUNITY COUNCIL

MODEL STANDING ORDERS FOR WELSH COMMUNITY AND TOWN COUNCILS

STANDING ORDERS

These Standing Orders are made by **Hawarden** Community Council (hereinafter referred to as 'the Council') for regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972, and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in a **bold** typeface below reflect a selection of the many relevant mandatory statutory requirements, and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

1. **In a year which is a year of ordinary elections of Community Councillors, the annual meeting of the Council shall be held on, or within 14 days after, the day on which its Councillors elected at that election take office (viz. on the fourth day after). This means that the annual meeting is required to be held within 4 and 18 days after the date of the election, or as otherwise prescribed by law. In any other year the annual meeting shall be held on such day in May as the Council may determine. It shall be held at 6.30 p.m. or such hour as the Council may otherwise fix or, if no hour is so fixed, six o'clock in the evening.**

2. The Council shall, in every year hold, in addition to the annual meeting, ten other ordinary meetings for the transaction of its business, such meetings being held at monthly intervals on the second Monday thereof at 6.30 p.m. (excluding the month of August).

3. **An extraordinary meeting of the Council may be called at any time by the Chair and, should he/she refuse to call such a meeting after a requisition for that purpose, signed by two Members of the Council, has been presented to him/her, or if, without so refusing, he/she does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two Members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.**

4. **A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held at such place, either within or without its area, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.** Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at The Institute, Hawarden.

5. **Three clear days at least before a meeting of the Council or a Committee of the Council –**

   (a) **notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the Community and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting; and**

   (b) **a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every Member of the Council.** Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.

6. **Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law** and these Standing Orders. Smoking shall not be permitted at any such meetings.

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

7. The Council, for the purpose of discharging any of its functions or advising it on any matter relating thereto, may appoint one or more Committees comprising Members of the Council and, if it so wishes, including persons who are not Members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.

8. A Committee appointed in accordance with Standing Order 7 above for the purpose of discharging any of the Council's function or advising it on any matter

relating thereto, unless the Council otherwise directs, may appoint one or more Sub-Committees comprising Members thereof, but the latter shall not be elected to preside thereat.

9. Unless the Council otherwise directs, any Committee appointed in accordance with Standing Order 7 above and any Sub-Committees appointed in accordance with Standing Order 8 above shall respectively appoint its own Chair.

10. A Committee or Sub-Committee shall report back respectively to the Council or Committee appointing it on its decisions taken in accordance with any functional power delegated to it and/or recommendations/observations on any matter relevant to its terms of reference.

ELECTION OF CHAIR AND APPOINTMENT OF VICE-CHAIR

11. **A Chair shall, at the Council's annual meeting, be elected from among its Members and, unless he/she resigns or becomes disqualified, shall continue in office until his/her successor becomes entitled to act as such (i.e. following his/her successor's election to that office at the next annual meeting of the Council or being elected to fill any casual vacancy for Chair that may occur sooner).**

12. **The Chair shall, at the annual meeting at which he/she is elected or re-elected (or at the meeting at which he/she is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a Member of the Council or of its Proper Officer, and deliver to the Council, a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales and, if he/she fails to do so, his/her office of Chair shall thereupon become vacant. If present at any meeting of the Council, the Chair shall preside thereat.**

13. **The person presiding at the time of election of Chair shall be disqualified from being a candidate for re-election to that office if he/she continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Chair wishing to be re-elected) shall be required to vacate the Chair and leave the meeting prior to his/her name being formally proposed as a candidate.**

14. **In the case of an equality of votes in the election of Chair, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.**

15. A Vice-Chair shall be appointed annually by the Council from among its Members and, should such an appointment be made, **shall hold office until immediately**

after the election of a Chair at the next annual meeting of the Council, unless he/she should resign or become disqualified beforehand. In the absence of the Chair at a meeting of the Council, the Vice-Chair shall preside thereat but in the absence of both Chair and Vice-Chair, such Councillor as the Members of the Council present shall choose, shall preside.

16. The Chair, Vice-Chair or Councillor presiding at a meeting of the Council, or a Committee or Sub-Committee thereof, shall be empowered to exercise all the powers and duties of the office of Chair in relation to the conduct of the meeting, **including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of, or on behalf of the Council.**

DECLARATION OF ACCEPTANCE OF OFFICE OF COMMUNITY COUNCILLORS

17. **A person elected or re-elected to the office of Community Councillor shall, before or at the first meeting of the Council after his/her election (or in the case of co-option to that office, at the meeting at which he/she is so co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a Member of the Council or the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales (incorporating an undertaking by the declarant that, in performing his/her functions, he/she will observe the Council's Code of Conduct for the time being adopted), and if he/she fails to do so his/her office as Community Councillor shall thereupon become vacant.**

AGENDAS FOR METINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS

18. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Clerk, or by a Member of the Council, subject in the latter case to notice thereof being given to the Clerk in writing not later than seven clear days prior to the date of the meeting. The Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.

19. A copy of the agenda shall be sent, for information, to the relevant County Councillor for the area of the Council.

20. Subject to any relevant statutory requirement, and to provisions contained elsewhere in these Standing Orders, including the varying order of business, the

business of any meeting of the Council (other than its annual meeting) shall be transacted in the following order:-

(a) To elect a Member to preside in the absence of the Chair and Vice-Chair.
(b) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
(c) The Member presiding to sign the minutes of the previous meeting.
(d) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted Members' Code of Conduct.
(e) To examine and, where possible, determine any outstanding minutes.
(f) To receive reports of Committees and Sub-Committees appointed by the Council.
(g) To receive listed communications and, where appropriate, make decisions thereon.
(h) To consider items of business placed upon the agenda by the Clerk and (subject to requisite notice being given in accordance with the requirement of Standing Order 18 above), items of business placed thereon by Members of the Council, in such order as the Clerk may deem to be most appropriate.
(i) To consider and approve accounts for payment.
(j) To determine or confirm the date of the next ordinary meeting of the Council.

21. At the annual meeting of the Council, in addition, the following business shall also be transacted in the following order:-

(a) Election of Chair
(b) Appointment of Vice-Chair.
(c) Appointment or re-appointment of any standing Committees, Sub-Committees and Working Groups.
(d) Appointment or re-appointment of Members to serve on outside bodies.
(e) Consideration of making grants to voluntary organisations.
(f) Delegation or renewal thereof functional power to the Clerk and/or Responsible Financial Officer to act in respect of urgent business arising between meetings of the Council (in consultation with the Chair and Vice-Chair or otherwise).
(g) Fixing the Chair's allowance.
(h) At an annual meeting (immediately following an ordinary election), co-option of Members to fill any vacancies remaining unfilled by there being insufficient candidates.

22. Without prejudice to the prescribed order of business, as set out in Standing Orders 20 and 21 above, the business to be transacted at any meeting of the Council may be preceded by supplementary generic items in respect of which no

decision thereat shall be taken but, in appropriate circumstances, may be placed upon the agenda of a later meeting of the Council or a Committee or Sub-Committee thereof for consideration or referred for submission of a report or reports, such items being restricted to:-

(a) consideration of matters raised at or before the meeting by Members of the public present (where it is the policy of the Council to invite such public participation);
(b) making announcements; and
(c) receiving reports from Members on their attendance at meetings of outside bodies in respect of which they have been appointed to serve thereon as the Council's representatives.

NOTICES OF MOTION

23. Except as provided under Standing Order 28 below, each notice of motion shall be in writing, signed by the Member or Members of the Council giving the notice, and delivered to the Clerk in accordance with the requirements of Standing Order 18 above. The Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every Member of the Council.

24. The Clerk shall insert in the summons (agenda) for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Member giving such notice has, when giving it, intimated in writing that he/she proposes to move it at some later meeting or subsequently has withdrawn it in writing.

25. If a motion, notice of which is thus specified in the summons (agenda), be not moved, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

26. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.

27. Every notice of motion shall be relevant to some question over which the Council has power, or which affects the Community.

MOTIONS THAT MAY BE MOVED WITHOUT NOTICE

28. The following motions may be moved without notice:-

    (a) To appoint a Chair to preside at the meeting in the absence of the Chair and Vice-Chair.
    (b) In relation to the accuracy of the minutes of the previous meeting.
    (c) To change the order of business.
    (d) To proceed to the next business.
    (e) To close or adjourn the debate on any particular item of business.
    (f) To refer a matter to a Committee, Sub-Committee or Working Group.
    (g) To appoint a Committee or Working Group and/or Members to serve thereon.
    (h) To receive and/or adopt a report.
    (i) To withdraw a motion.
    (j) To amend a motion.
    (k) To exclude the public and press in appropriate circumstances.
    (l) To adjourn the meeting in the event of disorderly conduct.
    (m) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in **bold** print herein) would be purported not to apply.
    (n) To adjourn the meeting.
    (o) That the question now be put.
    (p) In relation to any item of business appearing on the agenda of a meeting.

QUESTIONS

29. A Member may ask the Chair or the Clerk any question relating to the functions or business of the Council, subject to seven clear days written notice thereof being given to the Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest so do to.

RULES OF DEBATE

30. No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof. Proposed corrections thereto shall be submitted to the Clerk in writing prior to the meeting at which the minutes are to be signed.

31. Members shall direct their speeches only to the subject currently under discussion and address the Chair.

32. In the event of two or more Members requiring to speak, the Chair shall determine the order of speaking.

33. A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 23 above or is as referred to in Standing Order 28 above.

34. An amendment to a motion shall be only:-

(a) to leave out words;
(b) to leave out words and insert or add others;
(c) to insert or add words

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Council.

35. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the 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.

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

37. A Member may raise a point of order or make a personal explanation but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood and he/she shall be entitled to be heard forthwith but the ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion. *Whenever the Chair rises during a debate, all other Members of the Council shall be silent.*

38. A motion or amendment may be withdrawn by the mover with concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any Member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

39. When a motion is under debate no other motion shall be moved except the following:-

(a) To amend the motion.

(b) To postpone consideration of the motion.
(c) To adjourn the meeting.
(d) To adjourn the debate.
(e) To proceed to the next business.
(f) That the question be now put.
(g) That a Member be not further heard.
(h) That a Member leave the meeting.
(i) That the subject of debate be referred back to a Committee or Sub-Committee.
(j) To exclude the public and press.

40. Without prejudice to the terms of these Standing Orders, or the statutory right of any Member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

RESCISIONS OF RESOLUTIONS

41. No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negated within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the Member who proposed the motion, the names of three other Members; and when any such motion has been disposed of by the Council it shall not be competent for any other Member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chair or other Member of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

QUORUM

42. **No business of the Council shall be transacted at a meeting of the Council unless at least one-third of the whole number of Members of the Council are present at the meeting but in no case shall the quorum be less than three. A quorum in relation to meetings of this Council shall, therefore, be at least five Councillors. Where, however, more than one-third of the Members of the Council become disqualified at the same time, then, until the number of Members in office is increased to not less than two-thirds of the whole number of Members thereof, the quorum of the Council shall be determined by reference to the number of Members of the Council remaining qualified instead of by reference to the whole number of Members of the Council.**

So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present may be unable to vote, on account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of Members entitled to vote.

43. Should a quorum not be present at a meeting of the Council or should the number of Members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.

44. The quorum of any Committee or Sub-Committee of the Council shall comprise at least five Members.

VOTING

45. **All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the Members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands. However, on the requisition of any Member of the Council, the voting on any question shall be recorded so as to show whether each Member present and voting did give his/her vote for or against that question.** A Member shall be entitled to have his/her name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.

46. In the event of there being an equality of votes and the Member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; **other than in respect of the election of a Chair, where the person presiding is required by law to exercise a casting vote.**

47. **In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of an appointment to fill a casual Member vacancy, appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those Members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.**

DISORDERLEY CONDUCT

48. No Member shall, at a meeting of the Council or a Committee or Sub-Committee thereof, persistently disregard the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

49. If, in the opinion of the person thereat, a Member has breached the requirements of Standing Order 48 above, any Member may move the Member in question be no longer heard. That motion shall thereupon be put forthwith and without discussion.

50. In the event of such a motion being carried and the Member in question persists in breaching the requirements of Standing Order number 48, the person presiding may suspend the meeting or take further steps as may reasonably be deemed to be necessary or expedient.

CANVASSING

51. Canvassing of Members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Clerk shall make known to every candidate for such appointment the terms of this Standing Order.

52. A Member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a Member providing a written reference as to a candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for appointment.

PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTION OF DOCUMENTS

53. Any meeting of the Council or of its Committee(s) shall be open to the public. However, the Council or Committee, as the case may be, may by resolution exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings, and where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies.

The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than Members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purpose of the recommendations or advice. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude Members of the public therefrom and duly accredited representative of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

54. This Council shall also adhere to the principles of openness in relation to public access to its meetings and documents, as referred to in Section 100A to K etc. of the Local Government Act 1972 (as inserted therein by the Local Government (Access to Information) Act 1985), as if it were a principal Council (i.e. a Welsh County or County Borough Council), insofar as it is possible and practicable so to do in relation to the functions of the Council, particularly in relation to admission of the public to meetings of Sub-Committees and to public access to agendas, reports, minutes and background papers. **The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.**

55. Notwithstanding the principles of openness in the Council's dealings, as referred to in Standing Order 54 above, no Member shall disclose to any person not a Member of the Council any business declared to be confidential by the Council.

56. A Member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose.

APPOINTMENT OF STAFF

57. The Council shall appoint such officers and other employees as necessary, including a Clerk, for the proper discharge of its functions. **The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001.**

58. The Council shall appoint a Responsible Financial Officer (who may also be its Clerk), with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit (Wales) Regulations 1996.

59. The Council shall appoint a completely independent internal auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission and shall give its consideration to any recommendations or observations made by him/her from time to time.

60. Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

CONTRACTS

61. Where it is intended to enter into a contract exceeding £2,500 but not exceeding £25,000 in value or amount for the supply of goods or materials or for the execution of works, the Council's Responsible Financial Officer shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

62. Subject to the requirements of Standing Order number 63 below, where the value of the intended contract exceeds £25,000 in value or amount, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.

63. Where, in the opinion of the Council, the goods, material or work are of a specialist nature, as an alternative to the requirements of Standing Order 62 above, tenders may be invited from at least three contractors, selected by the Council, specialising in the type of work etc. comprising the contract in question.

64. The notice, or invitation to submit a tender, for a contract exceeding £25,000 in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

65. Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.

66. **The Council is not bound to accept the lowest tender.**

67. **Should no tenders be received or should all the tenders be identical, the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.**

68. **A notice/invitation to tender issued in accordance with the requirements of Standing Orders numbers 61, 62, 63 and 64 above shall contain a statement of the effect of Standing Order number 52 in relation to tenders and quotations.**

69. **No Member of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with powers properly delegated to a Committee, Sub-Committee or Officer and the requirements of these Standing Orders and Council's Financial Regulations shall be strictly adhered to in respect thereof.**

EXECUTION OF DOCUMENTS

70. **All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council or, should the Council not have a seal, signified by an instrument signed and sealed by two Members of the Council,** who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council.

PROPER OFFICER

71. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that Officer shall be its Clerk:-

    (a) To receive and witness declarations of acceptance of office.
    (b) To receive and retain plans and documents.
    (c) To sign notices or other documents on behalf of the Council.
    (d) To receive copies of byelaws made by the relevant County Council.
    (e) To certify copies of byelaws made by the Community Council.
    (f) To sign summonses to attend meetings of the Council and its Committees/Sub-Committees.

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

EXPENDITURE AND FINANCIAL MANAGEMENT

72. **The terms and requirements of the Council's approved Financial Regulations shall be adhered to in relation to any decisions relating to expenditure** and the Council shall receive and give due consideration to any recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.

MEMBERS' AND OFFICERS' CODE OF CONDUCT

73. **Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct, as referred to in Section 49(2) of the Local Government Act 2000 and the Conduct of Members (Principles)(Wales) Order 2001, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision making, equality and respect, openness, accountability and leadership.**

74. **Councillors shall, in conducting the business of the Council, undertake the role of Member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50(2) thereof.**

75. **Where a Councillor acts as a representative of the Council on another body, that Member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.**

76. **Councillors shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others. They must not do anything which compromises, or which is likely to compromise, the impartially of the authority's employees.**

77. **Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.**

78. **Councillors shall not, in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration for Wales and to the appropriate Monitoring Officer (viz. the officer appointed**

as such by the County or County Borough Council within whose area the Council is situated) and conduct by another Member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve, criminal behaviour.

79. A Councillor (other than a Member who is the subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.

80. Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage for themselves. They shall, when (corporately) using or authorising the use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

81. Councillors, when reaching decisions, shall do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice provided by the Council's officers, in particular its Responsible Financial Officer, the Monitoring Officer and its legal officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action or failure to act by the Council might have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.

82. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.

83. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.

84. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:-

(a) the Councillor, one of his/her family or a friend, or any other person with whom he/she has a close personal association, or

(b) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area.

85. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to:-

(a) another relevant authority of which they are a Member;

(b) a body in which they hold a position of general control or management; or

(c) a body to which they have been appointed or nominated by the Council as a representative.

86. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to:-

(a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain:

(b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;

(c) any person, other than a relevant authority (i.e. a County Council, County Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;

(d) any corporate body which has a place of business or land in the Council's area, where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original cost) or one hundredth of the total issued share capital of that body (whichever is the lower);

(e) any contract for goods, services or works made between the Council and the Councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;

(f) any land in which the Councillor or a Member of the Councillor's family has a beneficial interest and which is in the area of the Council;

(g) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (d) above;

(h) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and

(i) any visit outside the United Kingdom for which the Council has paid or will pay.

87. Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:-

(a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club.
(b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
(c) trade union(s) or professional association;
(d) company, industrial and provident society or other organisation which has charitable objects.

Councillors may, however regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).

88. A Councillor who has a personal interest in a matter in Standing Order 85 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated).

89. A Councillor who has a personal interest in a matter specified in Standing Orders 86 and 87 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

90. A Councillor who has a personal interest in a matter which is not specified in Standing Orders 85, 86 or 87 above (but including those referred to in Standing Order 84 above) and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly

affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter, at that meeting unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

91. Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Clerk of any change to the interests registered within one month of their occurrence.

92. Other than any gift accepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor, or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of £10.

93. Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.

94. Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

95. The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.

96. Mutual respect between employees and Councillors is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently and without bias.

97. Employees shall comply with policies relating to equality issues, as agreed by the Councils, in addition to the requirements of the law.

98. Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

99. Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with:-

    (a) any rules of the Council on the registration and declaration by employees of financial and non-financial interests,
    (b) any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.

100. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.

101. Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Community Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing on the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

102. **Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**

103. **Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.**

WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE

104. **Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.**

105. The Council shall conduct the business at its meetings in the English language.

HUMAN RIGHTS

106. **So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention Right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.**

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

107. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the Members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.

108. Any motion to add to, vary or revoke these Standing Orders shall, when moved and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS

109. A copy of these Standing Orders shall be given to each Member of the Council by the Clerk upon delivery to him/her of the Member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Clerk to any other Officer or other employee upon his/her appointment.