

*Cyngor Cymuned
Hirwaun & Penderyn
Community Council*

COUNCIL PROCEDURE RULES

(STANDING ORDERS)

Hirwaun and Penderyn Community Council

MEETINGS

1. Meetings of the Council shall normally be held at 6.30 pm on the second Thursday of each month (except during August). Meetings are held at The Community Centre Penderyn in February June and October and otherwise at the Village Hall, Hirwaun, unless circumstances dictate that an alternative time, date and/or venue should be arranged.
2. In an emergency such alternative arrangements can be agreed between the Chairman and the Clerk.
3. **The Statutory Annual Meeting (a) in an election year shall be held within fourteen days of the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the second Thursday in May.**

CHAIRMAN OF MEETING

- 4 **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

PROPER OFFICER

- 5 Where a statute, regulation or order, confers functions or duties on the proper officer of the Council in the following cases, the proper officer shall be the Clerk:
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and retain plans and documents.
 - (c) To sign notices and other documents on behalf of the Council.
 - (d) To receive copies of byelaws made by a Unitary Authority.

- (e) To sign summonses to attend meetings of the Council.
- (f) To provide a minute book for recording the proceedings of community meetings.

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

QUORUM

- 6. **Five (5) members shall constitute a quorum.**
- 7 If a quorum is not present when the Council meets, or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

- 8. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 9. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.**
- 10.
 - (1) **Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave an original vote.**
 - (2) **If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
 - (3) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in the presence of the Clerk before the annual meeting commences.)

- 11. **At each Annual Meeting the first business shall be: -**
 - (a) To elect a Chairman.
 - (b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
 - (c) In the ordinary year of election of the Council, to fill any vacancies left unfulfilled at the election by reason of insufficient nominations.
 - (d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - (e) To elect a Vice-chairman.

and shall thereafter follow the order set out in Council Procedure Rule 13

12. **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-chairman be absent.**

- 13 In every year not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees (See Council Procedure Rule 34).

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows: -

- (a) To receive a report from the South Wales Constabulary.
- (b) To receive reports from County Borough Councillors.
- (c) To read and consider the Minutes: if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- (d) **After consideration, to approve the signature of the Minutes by the person presiding as a correct record.**
- (e) **To deal with business expressly required by statute to be done.**
- (f) To consider matters arising from the previous meeting.
- (g) To consider planning applications.
- (h) To consider financial matters:
- (i) To authorise payment of accounts.
- (j) To consider any matters related as necessary.
- (k) To receive and consider reports from Community Councillors.
- (l) To receive such communications as the Clerk may have to lay before the Council.
- (m) To receive and consider Village Hall reports.
- (n) Any Other Business as specified in the summons.

15. A motion to vary the order of business for urgent reasons:-

- (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded
- (b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

16. Except as provided by these Council Procedure Rules, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice of its terms and has delivered the notice to the Clerk at least ten clear days

prior to the next meeting of the Council.

17. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
18. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
19. If the subject matter of a resolution comes within the province of the Hirwaun Village Hall Committee, it shall, upon being moved and seconded, stand referred without discussion to said committee unless the Chairman considers it to be a matter of urgency to be dealt with at the meeting at which it was moved.

RESOLUTIONS MOVED WITHOUT NOTICE

20. Resolutions dealing with the following matters may be moved without notice:-
 - (a) To appoint a Chairman of the meeting.
 - (b) To correct the Minutes.
 - (c) To approve the minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to Rhondda Cynon Taff County Borough Council
 - (h) To refer a matter to the Hirwaun Village Hall Committee.
 - (i) To appoint a Committee or any members thereof.
 - (j) To adopt a report.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a resolution or an amendment.
 - (m) To exclude the public (see Order 43)
 - (n) To silence or eject from the meeting a member named for misconduct.(see Order 29)
 - (o) To invite a member having an interest in the subject matter under debate to remain.
 - (p) To give the consent of the Council where such consent is required by these Standing Orders.
 - (q) To suspend any Standing Order (see Order 53)
 - (r) To adjourn the meeting.

QUESTIONS

21. A member may ask the Chairman or the Clerk any question concerning the

business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.

22. No questions not connected with business under discussion shall be asked.
23. Every question shall be put and answered without discussion.
24. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

25. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
26.
 - (a) A resolution or amendment shall not be discussed unless it has been proposed and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
 - (b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - (c) An amendment shall be either: -
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
 - (d) An amendment shall not have the effect of negating the resolution before the Council.
 - (e) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
 - (f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - (g) The mover of a resolution or an amendment shall have a right of reply. ,
 - (h) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment, or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - (i) A member making a point of order or personal explanation shall be heard forthwith.

A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

- (j) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - (k) When a resolution is under debate no other resolution shall be moved except the following:-
 - (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.
 - (v) That a member named be not further heard.
 - (vi) That a member named leaves the meeting.
 - (vii) That the resolution be referred to a Committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
27. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) If two or more members wish to speak, the Chairman shall select the order in which they do so.

CLOSURE

28. At the end of any speech a member may, without comment, move "that the question be now put", or "that the debate be now adjourned" or "that the Council do now adjourn." If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion "to put the question", only if he believes there has been sufficient debate. If the motion "that the question be now put" is carried, the Chairman shall call upon the mover to exercise or waive his right to reply and shall put the question immediately after that right has been waived or exercised. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

29. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named leaves the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

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

ALTERATION OF RESOLUTION

31. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

32. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, written notice whereof bears the names of at least eight (8) or fifty per cent of the total number of members of the Council plus one, whichever number is the lesser, or by a resolution moved in pursuance of the report or recommendations of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

33. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

34. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council has decided whether or not the public shall be excluded.
(see Council procedure Rule 43).

RESOLUTIONS ON EXPENDITURE

35. Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service under the management of the

Council or reduce the revenue at the disposal of the Council, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council for further consideration.

36. (1) **All payments made in respect of bills received and properly due for settlement must be approved by the Council at the next meeting following payment.**
- (2) **Payments due to employees under previously approved terms and payments made under previously agreed contractual agreements need not be approved at each meeting.**

ACCOUNTS AND FINANCIAL STATEMENT

37. **The Clerk will prepare a bank reconciliation statement of the Councils accounts at the end of each quarter**
38. The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

ESTIMATES

39. The Council shall approve written estimates for the coming financial year at its meeting in the month of February.

INSPECTION OF DOCUMENTS

40. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council, and if copies are available shall, on request, be supplied for the like purpose with a copy.
41. **All Minutes kept by the Council shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

42. No member of the Council shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the council has a right or duty to inspect or:
 - (b) Issue orders, instructions or directions
- unless authorised to do so by the Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

43. **The public shall be admitted to all meetings of the Council which may, however, temporarily exclude the public** by means of the following resolution:

"That in view of the (special) (confidential)* nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

** the reasons must be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.*

44 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

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

CONFIDENTIAL BUSINESS

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

LIAISON WITH COUNTY BOROUGH COUNCILLORS

47. A notice of meeting shall be sent together with an invitation to attend to the County Borough Councillors representing (i) Hirwaun and (ii) Rhigos and Penderyn.
48. Unless the Council otherwise orders, a copy of each letter ordered to be sent to Rhondda Cynon Taff County Borough Council shall be transmitted to the County Borough Councillor for the ward, as the case requires.

PLANNING APPLICATIONS

49. The Clerk shall bring all planning applications and determinations to the attention of the Council at the meeting following their receipt.

STANDING ORDER ON CONTRACTS

50. (a) Where it is intended to enter into a contract exceeding £ 2,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk 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. Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct
- (b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract, the name and address of the person to whom tenders

are to be addressed and the last time and date by which those tenders should reach that person in the ordinary course of post.

(c) Tenders must be submitted in plain envelopes and marked 'Tender'

(d) Tenders should be opened by the Clerk in the presence of two members of the Council at the time and date specified in paragraph (b) above and details reported to the Council.

(e) Any tenders received after the time and date specified in paragraph (b) above must remain unopened on the file.

(f) The Council is not bound to accept the lowest tender.

(g) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the work as it thinks fit.

(h) A notice issued under this standing order shall contain a statement of the effect of Standing Orders relating to canvassing of members of the Council and relatives of members of the Council (See Standing Order 52).

CODE OF CONDUCT ON COMPLAINTS

51. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

CODE OF CONDUCT OF COUNCILLORS

52. Councillors must observe the Council's Code of Conduct (as per the Code currently adopted by Rhondda Cynon Taf County Borough Council) under Section 51 Local Government Act 2000

COUNCIL PROCEDURAL RULES RELATING TO OTHER EVENTUALITIES

53. Council Procedural Rules relating to the following matters shall be adopted, as required, from the National Association of Local Council's Handbook: Standing Orders and Chairmanship, and distributed by the Clerk.

- (a) SEALING OF DOCUMENTS
- (b) COMMITTEES AND SUB-COMMITTEES
- (c) ADVISORY COMMITTEES
- (d) INTERESTS
- (e) CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

VARIATION, REVOCATION AND SUSPENSION

OF COUNCIL PROCEDURAL RULES

54. Any or every part of the Council Procedural Rules except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
55. A resolution permanently to add, vary, or revoke a Council Procedural Rule shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

COUNCIL PROCEDURAL RULES TO BE GIVEN TO MEMBERS

56. A copy of these Council Procedural Rules shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

These (amended) Council Procedural Rules approved at the Annual General Meeting held at the O.A.P. Hall, Tramway, Hirwaun on Thursday 24th June 2004 and further amended on the 10th October 2013 and 14th November 2013. Reviewed on 11th March 2014, 12th November 2015 and 14th July 2016.

___Colin Woodley_____ Chairman

___Emma Nelmes_____ Clerk to the Council