



Cyngor Cymuned Blaenhonddan

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STANDING ORDERS

(Adopted at Council on 17 September 2018, to be submitted to the Annual Meeting in May 2019)

MEETINGS

- 1 Meetings of Council shall be held on the third Monday of each month at 6.30 pm at Cadoxton Community Centre or at such place as the Council may direct, with the exception of August when no meeting is held and December when the meeting is held on the second Monday of each month.
- 2 **The Statutory Annual Meeting –**
 - (a) in an election year shall be held on a Monday on or within 14 days following the day on which councillors elected take office, and
 - (b) in a year which is not an election year shall be held on the third Monday in May.
- 3 Additional ordinary meetings of Council and of Council Committees shall be held at the discretion of the Chairman of Council or the appropriate Committee.
- 4 Notice of all meetings of Council and of Council Committees shall be provided for display at Community Centres and Sub-Post Offices in the Blaenhonddan area and on the Council's website at least three clear days before the date of the meeting

CHAIRMAN OF THE MEETING

- 5 **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

- 6 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk –
- (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing pecuniary interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of byelaws made by another local authority.
 - (f) To certify copies of byelaws made by the Council.
 - (g) To sign and issue summonses to attend meetings of the Council.
 - (h) To maintain a minute book recording the proceedings of all Council meetings.

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

QUORUM

- 7 **Six Members shall constitute a quorum at meetings of the Council.**
- 8 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 meeting shall be adjourned and business not transacted at that meeting shall be transacted at the next meeting, or on such other day as the Chairman may fix.

VOTING

- 9 Members shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- 10 **If a Member so requires and is supported by a seconder, 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. Such a request must be made and actioned if appropriate before moving on to the next business.**
- 11 **Subject to (a) and (b) 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/she gave no original vote –**
- (a) **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/she may not give an original vote in an election for Chairman.**
 - (b) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

12 At each Annual Meeting of Council the first business shall be –

- (a) To elect a Chairman of Council.
- (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 unfilled at the election by reason of insufficient nominations.
- (d) To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.
- (e) To elect a Vice-Chairman of Council.
- (f) To appoint Committees and Sub-Committees as appropriate.
- (g) To appoint representatives to outside bodies.
- (h) To consider the payment of any subscriptions falling to be paid annually.
- (i) To inspect any deeds and trust investments in the custody of the Council as required;
- (j) To inspect the regulatory documents appertaining to Council business.

13 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.

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 consider and approve signature of the Minutes previously circulated with the summons, by the person presiding, as a correct record.
- (b) To deal with any matters arising from the Minutes.
- (c) To deal with business expressly required by statute to be done.
- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive and consider reports and Minutes of Committees.
- (f) To dispose of business, if any, remaining from the last meeting.
- (g) To receive reports relating to Community Centre Management.
- (h) To consider specific substantive items of business specified in the summons.
- (i) To receive reports on Police matters and recent PACT meetings.
- (j) To consider reports from Outside Bodies.
- (k) To consider specific substantive items of business specified in the summons which require exclusion of the public and press.
- (l) To deal with outstanding items of correspondence not otherwise included in the summons.

15 A motion to vary the order of business on the ground of urgency –

- (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, and
- (b) Shall be put to the vote without discussion.

- 16 The Council shall review the pay and conditions of service of employees on an annual basis, at an appropriate time.

RESOLUTIONS MOVED ON NOTICE

- 17 Except as provided by these Standing Orders, 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 in writing of its terms, and has delivered the notice to the Clerk at least ten (10) clear days before the next meeting of Council.
- 18 The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every Member of the Council.
- 19 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received, unless the Member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
- 20 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.
- 21 If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report, provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22 Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

- 23 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 a Committee.
 - (h) To appoint a Committee or any Members thereof.
 - (i) To adopt a report.
 - (j) To amend a motion.

- (k) To give leave to withdraw a resolution or an amendment.
- (l) To invite a Member having an interest in the subject matter under debate to remain.
- (m) To extend the time limit for speeches.
- (n) To exclude the press and public (see Standing Order 54 below).
- (o) To silence or eject from the meeting a Member named for misconduct (see Standing Order 30 below).
- (p) To give consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order (see Standing Order 60 below).
- (r) To adjourn the meeting.

RULES OF DEBATE

- 24 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialed by the Chairman or referenced in the Minutes accordingly.
- 25 (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- (b) A Member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- (c) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- 26 (a) 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.
- (b) An amendment shall not have the effect of negating the resolution before the Council.
- (c) 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.
- (d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- 27 (a) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
- (b) 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.
- (c) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her, which may have been misunderstood.
- (d) 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.
- (e) At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.
- 28 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 do leave the meeting
 - (v) That the resolution be referred to a Committee.
 - (vi) To exclude the public and press.
 - (vii) To adjourn the meeting.
- 29 (a) Members wishing to speak shall indicate so by raising a hand, and the Chairman shall determine the order of speakers.
- (b) Members shall address the Chairman, and shall remain seated when speaking unless requested to stand by the Chairman.
- (c) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(d) Whenever the Chairman speaks during a debate all other Members shall be silent.

DISORDERLY CONDUCT

30 (a) All Members must observe the Code of Conduct adopted by Council and issued to them by the Clerk.

(b) No Member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to scandalise the Council or bring it into disrepute, contempt or ridicule.**

(c) If, in the opinion of the Chairman, a Member has broken the provisions of paragraphs (a) or (b) 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 do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If any Member believes another Member is in breach of the Code of Conduct, that Member is under a duty to report the breach to the appropriate authorities.**

(d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend or adjourn the meeting, or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

31 The mover of a resolution or amendment shall have a right to reply immediately before the resolution or amendment is put to the vote, but is not entitled to introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

32 A Member may, with the consent of his seconder, move amendments to his/her own resolution.

RESCISSION OF PREVIOUS RESOLUTION

33 (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least two Members of the Council, or by a resolution moved in pursuance of the report or recommendation 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

- 34 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

- 35 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 or Committee (as the case may be) has decided whether or not the public and press shall be excluded (Standing Order 54).

SEALING OR SIGNING OF OFFICIAL DOCUMENTS

- 36 An official document shall not be sealed or signed on behalf of the Council unless authorised by a resolution, and such a resolution shall also name and authorise two Members of Council to undertake the task.

COMMITTEES AND SUB-COMMITTEES

- 37 The Council may at its Annual Meeting appoint standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf -
- (a) shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting,
 - (b) may appoint persons other than Members of the Council to any Committee; and
 - (c) may subject to the provisions of Standing Order 33 above or at any time dissolve or alter the Membership of a Committee.
- 38 The quorum of a Committee or Sub-Committee shall be one-half of its Members, or three Members, whichever is the greatest.
- 39 At the first meeting of a Committee or Sub-Committee, the first business shall be to appoint a Chairman and Vice-Chairman who shall hold office until the Annual Meeting of Council, and the Chairman shall be responsible for setting the programme of meetings during the year.
- 40 The Standing Orders and Financial Regulations of Council shall apply to Committees and Sub-Committees as appropriate.

VOTING IN COMMITTEES

- 41 Members of Committees and Sub-Committees entitled to vote shall vote by show of hands, or if at least two Members so request, by signed ballot.
- 42 **Chairmen of Committees and Sub-Committees of Council shall, in the case of an equality of votes, have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 43 All Members of Council shall be entitled to attend meetings of a Committee or Sub-Committee, but will not be entitled to vote unless appointed to that Committee or Sub-Committee. A Member who has proposed a resolution which has been referred to any Committee of which he or she is not a Member, may explain his or her resolution to the Committee but shall not vote.

INTERESTS

- 44 **If any Member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act 1972 and the Members Code of Conduct adopted by Council in any contract, proposed contract or other matter, he/she shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or –**
- (a) the disability imposed upon him/her by those sections has been removed by the County Borough Council; or
 - (b) the Council invite him/her to remain; or
 - (c) the contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.
- 45 If any Member has a non-pecuniary interest within the ambit of the Members' Code of Conduct, he/she shall declare it and thereupon be invited to withdraw from the meeting, unless invited by the Council to remain.
- 46 **The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any Member or any Officer of the Council of a pecuniary or non-pecuniary interest in a contract or other matter under consideration. The book shall be open during reasonable hours of the day for the inspection of any Member, and be maintained in summary format on the Council's website.**

- 47 If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Clerk shall report to the Council or the appropriate Committee any such disclosure. Where such relationship to a Member is disclosed, Standing Order 44 and 45 shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 48 Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this Standing Order to every candidate.
- 49 A Member of the Council or of any Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 50 Standing Orders Nos. 47, 48 and 49 shall apply for tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

- 51 A Member may for the purpose of his/her duty as such (but not otherwise) inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 52 **All Minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council, and any Member of the Public or Press, and shall be made publicly available at an appropriate time in the Council's premises and on the Council's website.**

UNAUTHORISED ACTIVITIES

- 53 Unless authorised to do so by the Council or the relevant Committee or Sub-Committee, no Member of the Council or of any Committee or Sub-Committee 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.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

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

“That further to Subsection 2 of Section 1 of the Public Bodies (Admission to Meetings) Act 1960, the public and press be excluded from the meeting during the following item(s), by virtue of the nature of the business to be transacted.”

- 55 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- 56 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 Council Chamber, and may adjourn the meeting for such period as is necessary to restore order.

CONFIDENTIAL BUSINESS

- 57 (a) No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- (b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee of the Council by the Council.

LIAISON WITH COUNTY BOROUGH COUNCILLORS

- 58 Unless the Council otherwise orders, a copy of each letter and/or e-mail ordered to be sent to the County Borough Council shall be transmitted to the County Borough Councillors for the community.

CODE OF CONDUCT ON COMPLAINTS

- 59 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any Officer or Member in accordance with procedures defined by the relevant legislation and with the relevant bodies, following advice from One Voice Wales and/or the Neath Port Talbot County Borough Council Monitoring Officer.

MANAGEMENT OF INFORMATION

- 60 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- 61 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- 62 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- 63 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

RESPONSIBILITIES TO PROVIDE INFORMATION

- 64 In accordance with freedom of information legislation, the Council shall publish information as indicated within its publication scheme and respond to requests for information held by the Council.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 65 The Council may appoint a Data Protection Officer.
- 66 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 67 The Council shall have a written policy in place for responding to and managing a personal data breach, and keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- 68 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- 69 The Council shall maintain a written record of its processing activities.

SUSPENSION AND REVIEW OF STANDING ORDERS

- 70 Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

- 71 It shall be the duty of the Council to review the Standing Orders of the Council from time to time. A resolution permanently to add, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

CIRCULATION OF STANDING ORDERS

- 72 A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him/her of the Member's declaration of acceptance of office.

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