



**Mumbles**  
Community Council

# **STANDING ORDERS**

## **2021**

<b>1. RULES OF DEBATE AT MEETINGS .....</b>	<b>3</b>
<b>2. DISORDERLY CONDUCT AT MEETINGS.....</b>	<b>4</b>
<b>3. MEETINGS GENERALLY .....</b>	<b>5</b>
<b>4. COMMITTEES AND SUB-COMMITTEES.....</b>	<b>7</b>
<b>5. ORDINARY COUNCIL MEETINGS .....</b>	<b>8</b>
<b>6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES .....</b>	<b>11</b>
<b>7. PREVIOUS RESOLUTIONS .....</b>	<b>11</b>
<b>8. VOTING ON APPOINTMENTS .....</b>	<b>11</b>
<b>9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN .....</b>	<b>12</b>
<b>10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE .....</b>	<b>12</b>
<b>11. MANAGEMENT OF INFORMATION.....</b>	<b>13</b>
<b>12. DRAFT MINUTES .....</b>	<b>14</b>
<b>13. CODE OF CONDUCT AND DISPENSATIONS .....</b>	<b>14</b>
<b>14. CODE OF CONDUCT COMPLAINTS .....</b>	<b>14</b>
<b>15. PROPER OFFICER.....</b>	<b>15</b>
<b>16. RESPONSIBLE FINANCIAL OFFICER.....</b>	<b>16</b>
<b>17. ACCOUNTS AND ACCOUNTING STATEMENTS.....</b>	<b>17</b>
<b>18. FINANCIAL CONTROLS AND PROCUREMENT .....</b>	<b>17</b>
<b>19. HANDLING STAFF MATTERS.....</b>	<b>19</b>
<b>20. RESPONSIBILITIES TO PROVIDE INFORMATION .....</b>	<b>19</b>
<b>21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION .....</b>	<b>20</b>
<b>22. RELATIONS WITH THE PRESS/MEDIA.....</b>	<b>20</b>
<b>23. EXECUTION AND SEALING OF LEGAL DEEDS .....</b>	<b>20</b>
<b>24. COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCIL COUNCILLORS .....</b>	<b>21</b>
<b>25. RESTRICTIONS ON COUNCILLOR ACTIVITIES.....</b>	<b>21</b>
<b>26. MEETINGS WITH OUTSIDE BODIES .....</b>	<b>21</b>
<b>27. STANDING ORDERS GENERALLY .....</b>	<b>21</b>

## **1. RULES OF DEBATE AT MEETINGS**

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- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

- iv. to give a personal explanation; or
- v. to exercise a right of reply.
  
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
  
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
  
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
  
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
  
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.

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

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
  
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
  
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further

reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), an individual member of the public shall not speak for more than 3 minutes and may only speak once during a meeting.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak and may remain seated.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

- l Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- m The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).
- o The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- q The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- r Councillors who are members of Standing Committees are precluded at the following Council Meeting from asking the Committee Chair questions relating to the minutes of the previous committee meeting
- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question or abstained. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of all councillors who are present and the names of all councillors who are absent indicating if apologies were received prior to the start of the meeting;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when

matters that they held interests in were being considered;

vi. if there was a public participation session; and

vii. the resolutions made.

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

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

See standing order 4(i)(iv) for the quorum of a committee or sub-committee meeting.

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

● x A meeting shall not exceed a period of 2 hours.

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

a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference shall be determined by the committee. The committee will notify council of the nature of the planned sub-committee and interested councillors will notify the Chair of the committee of their wish to be members of the sub-committee. In the event of more than 8 councillors wishing to join the sub-committee, selection will be by vote at the next meeting of the committee responsible for the sub-committee.

b These sub-committees or working parties will report back to their lead committee. Their recommendations will be included in that committee's minutes to full council.

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

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

e There shall be the following standing committees of the Council: Finance & Compliance Committee, Community & Social Development Committee, Environmental Committee, Culture, Tourism & Communication Committee, Personnel Committee and Appeals Committee

f Committees shall report to Council at the next Council meeting following a meeting of the

committee.

- g Committees to have a minimum of six and a maximum of nine members excluding co-opted persons not members of the Council.
- h The Council may appoint additional standing committees or other committees as may be necessary
- i Each committee:
  - i. shall determine their terms of reference;
  - ii. shall hold a minimum of 4 ordinary meetings in any 12 month period excepting Personnel and Appeals which will meet as required.
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - v. shall determine if the public may participate at a meeting of a committee;
  - vi. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - vii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - viii. may dissolve a sub-committee.
  - ix. Where two or more Committee or Sub-committee Meetings are held in sequence, then the preceding meeting must close a minimum of five minutes before the time designated for the opening of the subsequent meeting

## **5. ORDINARY COUNCIL MEETINGS**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.



- f The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chair of the Council if there is one, unless they have resigned or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- j Nominations of councillors for election to the office of Chair and Vice-Chair of the Council must be made in writing and endorsed with the consent of the candidate by 12 noon five clear days before the Annual Meeting.
- k No Councillor who has held the office of Chair for the previous two consecutive years may be nominated for election.
- l The names of those nominated for election to the office of Chair and Vice-Chair shall form part of the Agenda for the Annual Meeting
- m Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
  - i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
  - ii. Election of the Chairs of the six standing committees:  
Nominations for Chair of the six standing committees will be taken at the Annual Meeting and if there is more than one nomination, election will be by secret ballot the successful candidate (but not the margin of their victory) to be recorded in the minutes.
  - iii. No Councillor who has held the office of Chair of one of the six standing committees for the previous two consecutive years may be nominated for election.
  - iv. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - v. Review of the terms of reference for committees;
  - vi. Appointment of members of committees by the following methods;

- (a) Councillors wishing to serve on one of the four standing committees – should indicate no more than two committee preferences plus a reserve committee preference in writing to the Clerk of the Council no later than 12 noon five clear days before the date of the Annual Meeting of the Council; Councillors may indicate a wish to serve on the Personnel or Appeals Committee in addition to these.
- (b) A copy of the committee preference list to be sent to each Councillor with the summons for the Annual Meeting;
- (c) Any committee chair or vice chair listing their current committee will automatically be appointed to that committee;
- (d) All councillors' will be appointed to their first committee preferences subject to their being sufficient places; otherwise the places will be filled by election;
- (e) If there are insufficient first preferences to bring a committee to its maximum, those listing it as their second preference will be appointed subject to there being sufficient places; otherwise the places will be filled by election;
- (f) The same procedure as above will be followed for third preference
- (g) Councillors who are co-opted to the council between Annual Meetings can request to join those committees that reflect their interest and expertise so long as there is less than the maximum of 9 members already on those committees.
- vii. Appointment of any new committees in accordance with standing order 4(h);
- viii. Review and adoption of appropriate standing orders and financial regulations;
- ix. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- x. Review of representation on or work with external bodies and arrangements for reporting back;
- xi. Review of inventory of land and other assets including buildings and office equipment;
- xii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xiii. Review of the Council's and/or staff subscriptions to other bodies;
- xiv. Review of the Council's complaints procedure;
- xv. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- xvi. Review of the Council's policy for dealing with the press/media;

- xvii. Review of the Council's employment policies and procedures;
- xviii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
- xix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- xx. The record of councillors' attendance at council meetings and standing committee meetings upon which they serve shall form part of the minutes of the Annual Meeting of Council.

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

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

## **7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENT**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;

- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## **11. MANAGEMENT OF INFORMATION**

See also standing order 20.

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

## **12. DRAFT MINUTES**

- a All draft minutes of a preceding meeting should be served on all councillors within 14 days of the meeting to which they refer.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
  
either:  
  
"The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."  
  
or  
  
"The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record and their view was upheld by the meeting."
- e Subject to standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **13. CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(s).

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

## **14. CODE OF CONDUCT COMPLAINTS**

- a Where there is a complaint by a councillor that a fellow councillor or non-councillor with voting

rights has breached the Council's code of conduct, it should be dealt with in the first instance through the Local Resolution Process

- b Upon notification by Swansea Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- c Where the notification in standing order 14(b) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- d The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - iii. indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.

## **15. PROPER OFFICER**

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

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;

- iii. convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. facilitate inspection of the minute book by local government electors;
- v. receive and retain copies of byelaws made by other local authorities;
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
See also standing order 23;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Chair or in his absence Vice-Chair (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
See also standing order 23.

## **16. RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint the Clerk to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- b The Responsible Financial Officer/Assistant Clerk shall:



i. arrange or manage the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with its financial regulations

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

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

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;

- ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. subject to standing orders 18(e) and (f) whether contracts with an estimated value below £25,000 or due to special circumstances are exempt from a tendering process or procurement exercise .
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least two councillors after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
  - vii. Tenders selected/shortlisted by a committee or sub-committee must be presented to council for final selection and approval.
- d Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

- f A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council OR the Personnel committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Personnel committee or, if they are not available, the vice-chair of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel committee at its next meeting.
- c The chair of the Personnel committee or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk and the Responsible Financial Officer/Assistant Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of the Personnel committee or in their absence, the vice-chair of the Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk or Responsible Financial Officer/Assistant Clerk relates to the chair of the Personnel committee, this shall be communicated to vice-chair of the Personnel committee, which shall be reported back and progressed by resolution of the Personnel committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

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

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

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

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

- a All requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be referred to the Chair, or in their absence the Vice-chair, and Clerk, or in his absence the Responsible Financial Officer/Assistant Clerk, for a response.

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of at least two councillors being the chair and vice-chair of the Council or, in the absence of one or both, by one/two other councillors nominated by the Chair or Vice-chair who shall sign the deed as witnesses.

The above is applicable to a Council with a common seal.

## **24. COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCIL COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the City & County of Swansea representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the City & County of Swansea shall be sent to the ward councillor(s) representing the area of the Council.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **26. MEETINGS WITH OUTSIDE BODIES**

a: Arrangements for formal meetings:

(i) All meetings with outside bodies must be arranged through the Clerk or, in his absence, the Responsible Financial Officer/Assistant Clerk, or, the Clerk must be notified of any meeting arranged, and the time, place and attendees must be entered onto the office calendar

(ii) At least two councillors must attend all meetings with outside bodies

(iii) The Chair of the relevant Committee/ Full Council must be informed of the meeting and may attend if they wish

(iv) A Report of the meeting will be sent to the Chair of the relevant Committee/Full Council within 7 days of the meeting and it will be included in the next Committee/Council agenda.

b: No reports, recommendations or outcomes of any meeting with outside bodies will be considered or included on the agenda of any committee or council meeting if any or all of the points in Standing Order 26a are not complied with.

c: In the event of non-compliance with any/all of the points above, a further meeting with the outside body will be scheduled if the relevant committee/full council considers it necessary.

## **27. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.