

ANCHORA
SPEI
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Cardigan Town Council



Standing Orders

Reviewed and approved
March 2019

CARDIGAN TOWN COUNCIL

STANDING ORDERS

1—MEETINGS

- (a) (i) Meetings of the council shall be held at the Council Chamber (36 Pendre Conference Room), Cardigan at 6.00 o'clock in the evening unless the council otherwise decides at a previous meeting.
- (ii) Smoking is not permitted at any meeting of the Council.
- (b) **The Statutory Annual Meeting**
 - (i) **in an election year shall usually be held no later than ten days after the ordinary day of election of the Council; and**
 - (ii) **in a year which is not an election year shall be held in the second week in May.**

2—CHAIR OF MEETING

The persons presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting. The Chair of the Council must be a Councillor and shall be called the Town Mayor, and the Vice-chair shall be called the Deputy Town Mayor.

3—PROPER OFFICERS

The Council shall appoint a Clerk of the Council and any other officers as they think necessary for the proper discharge of their functions.

Where a statutory regulation or order confers functions or duties on the proper officer of the council in the following cases, he/she shall be the Clerk of the Council:

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

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

4—QUORUM

FIVE members shall constitute a quorum. If a quorum is not present when the Council meets, or if during a meeting the number of councillors present falls below the quorum, the business not transacted shall be deferred to the next ordinary meeting, or to any such other day as the Chair may fix.

5—VOTING

- (a) Members shall vote by show of hands, or if at least two members so request, by a signed ballot.
- (b) **If a member so requires and prior to the vote, 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.**
- (c)
 - (i) **Subject to (ii) and (iii) below the Chair 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 the Chair gave no original vote.**
 - (ii) **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 Chair and Vice-Chair until the end of their term of office, that person may not give an original vote in an election for Chair.**
 - (iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.**

6—NOTICES AND AGENDA

Three clear days before a meeting a summons specifying the business to be transacted and signed by the Clerk of the Council shall be sent to each member, and a similar summons posted in a conspicuous place in the town.

7—ORDER OF BUSINESS

- (a) In an election year councillors should execute Declarations of Acceptance of Office in the presence of the Clerk of the Council before the annual meeting commences.
- (b) **At the annual meeting the first business shall be:**
 - (i) **To elect a Town Mayor.**
 - (ii) To receive the Town Mayor's declaration of acceptance of office.
 - (iii) To elect a deputy Town Mayor and to receive her/his declaration.

- (c) **At any meeting other than the Annual meeting the first business shall be to appoint a Chair if the Mayor and Deputy Mayor be absent.**
- (d) After the first business has been completed, the order of business, unless the council otherwise decides, shall be:
 - (i) **To consider the minutes of the previous meeting and any reports and minutes of committees;**
 - (ii) To receive such communications as the presiding Chair may wish to lay before the Council;
 - (iii) To consider motions or resolutions in the order in which they have been received;
 - (iv) To answer questions;
 - (v) To deal with other business specified in the summons;
 - (vi) To authorise the payment of accounts;
 - (vii) Any other urgent business (at the discretion of the chair).

8—RESOLUTIONS MOVED ON NOTICE

- (a) 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 **seven** clear days before the next meeting of the Council.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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 Chair, 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.

- (f) Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

9—RESOLUTIONS MOVED WITHOUT NOTICE

Resolutions dealing with the following matters may be moved without notice:

- (a) To appoint a Chair 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 authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public. (*See Order 31 below*)
- (o) To silence or eject from the meeting a member named for misconduct. (*See Order 12 below*)
- (p) To invite a member having an interest in the subject matter under debate to remain (*See Order 22(a) below*)
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. (*See Order 33 below*)
- (s) To adjourn the meeting.

10—QUESTIONS

- (a) Any member may ask the Chair or the Clerk any question concerning the business of the Council, provided reasonable notice of the question has been given to the person to whom it is addressed before the meeting begins.
- (b) No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.

11—RULES OF DEBATE.

- (a) 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 Chair.
- (b)
 - (i) 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 Chair, be reduced to writing and handed to her/him before it is further discussed or put to the meeting.
 - (ii) A member when seconding a resolution or amendment may, if he/she then declare their intention to do so, reserve his/her speech until a later period of the debate.
 - (iii) A member shall direct her/his speech to the question under discussion or to a personal explanation or to a question of order.
 - (iv) No speech by a mover of a resolution shall exceed **five** minutes, and no other speech shall exceed **five** minutes except by consent of the Council.
 - (v) An amendment shall be either:
 - [A] To leave out words.
 - [B] To leave out words and insert or add others.
 - [C] To insert or add words.
 - (vi) An amendment shall not have the effect of negating the resolution before the Council.
 - (vii) 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.
 - (viii) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - (ix) The mover of the resolution or of an amendment shall have a right of reply, not exceeding **five** minutes.
 - (x) A member, other than the mover of the resolution, shall not, without the 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.

- (xi) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by her/him which may have been misunderstood.
- (xii) 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.
- (xiii) When a resolution is under debate, no other resolution shall be moved except the following:
 - [A] To amend the resolution.
 - [B] To proceed to the next business.
 - [C] To adjourn the debate.
 - [D] That the question now be put.
 - [E] That a member named be not further heard.
 - [F] That the member named do leave the meeting.
 - [G] That the resolution be referred to a committee.
 - [H] To exclude the public and the press.
 - [I] To adjourn the meeting
- (c) A member may stand when speaking.
- (d) (i) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
 - (ii) Members shall address the Chair.
 - (iii) If two or more members rise, the Chair shall call upon one of them to speak and the others shall resume their seats.
 - (iv) Whenever the Chair rises during a debate all other members shall be seated and silent.

12—DISORDERLY CONDUCT

- (a) No member shall at a meeting persistently disregard the ruling of the Chair, 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 Chair, a member has broken the provisions of paragraph (a) of this Order, the Chair shall express the 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.

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

13—RIGHT OF REPLY

The mover of a resolution shall have the right of 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.

14—ALTERATION OF RESOLUTION

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

15—RESCISSION OF PREVIOUS RESOLUTION

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least **seven** 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.

16—VOTING ON APPOINTMENTS

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.

17—DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.

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 shall be excluded; i.e. *in committee*. (See *Standing Order No. 31.*)

18—RESOLUTIONS ON EXPENDITURE.

Any resolution which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

19—SEALING OF DOCUMENTS

A document shall not be sealed unless its sealing has been authorised and must be signed by two members of the Council and the Clerk of the Council.

20—COMMITTEES INCLUDING PLANNING COMMITTEE

The Council may, from time to time, appoint any standing committee and sub-committee as is deemed necessary, and the Mayor and deputy Mayor shall be members of any such sub-committee. Such committees are empowered to co-opt members other than members of the Council. The planning sub-committee has delegated powers to forward council observations to the higher authority.

21—ACCOUNTS AND FINANCIAL STATEMENT

- (a) **All accounts for payment and claims upon the Council shall be laid before the Council and payments only made upon approval by the Council.**
- (b) The Clerk shall supply to the Council as soon as possible after the end of the Financial Year a statement of receipts and payments.
- (c) Accounts in the form of a balance sheet shall be presented to the Council quarterly.
- (d) Expenditure to be incurred and to be defrayed out of the rates shall be considered by the Council at its meeting in January each year or at a special meeting convened for this purpose.

22—INTERESTS

- (a) If any member has any pecuniary interest either direct or indirect within the meaning of Sections 94/95 of the Local Government Act 1972, in any matter under the discussion by

the Council, he/she shall declare his/her interest and withdraw from the meeting, unless invited by the Council to remain.

- (b) **The Clerk shall record in the minutes particulars of any notice given by a member or any officer of the Council of a pecuniary interest in a contract or tender.**
- (c) If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he/she shall declare it and thereupon may be invited to withdraw from the meeting.
- (d) If a candidate for any appointment under the Council is to his or her knowledge related to any member of or the holder of any office under the Council, the candidate 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 to the appropriate sub-committee any such disclosure. Where relationship to a member is disclosed Standing Order (c) (Interests) above shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

23—CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- (a) (i) 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 subparagraph of this Standing Order to every candidate.
- (ii) A member of the Council or 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.
- (b) Standing Orders 22(d) and 23(a) shall apply to tenders as if the person making the tender were a candidate for an appointment.

24—INSPECTION OF DOCUMENTS

- (a) A member may for the purpose of their 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 purpose with a copy.
- (b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

25—UNAUTHORISED ACTIVITIES

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 unless authorised to do so by the Council or the relevant committee or sub-committee.

26—LIASON WITH COUNTY COUNCILLORS

- (a) A notice of meetings shall be sent together with an invitation to attend to the County Councillors for the County Division.
- (b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be transmitted to the County Councillors for the division.

27—STANDING ORDER ON CONTRACTS

- (a) Urgent contracts up to a limit of £300 can be authorised by the Clerk (or an authorised sub-committee) who would normally consult with the Mayor (or deputy in the absence of the Mayor). For contracts between £301 and £1,000 contracts may be authorised by full Council without tendering.
- (b) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or 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 such newspapers circulating in the district as the Council shall direct.
- (c) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

- (d) By prior agreement of the Council tenders may be opened by **three** authorised Council members and the Clerk in committee.
- (e) Tenders shall be listed following National Guidelines and good practice.
- (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 works as it thinks fit.
- (h) Publication of tenders should also follow National Guidelines.
- (i) A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 22(d) and 23.

28—CODE OF CONDUCT ON COMPLAINTS

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Council or other subsequent publications. Council has adopted the Social Media Policy (6 June 2017). The Mayor and Consort are expected to respect the mayoral chains of office responsibly according to the directives issued by the Council insurers. The mayoral robes to be worn only on civic duties.

29—RESPONSIBILITIES AS TRUSTEE

Where the Council acts as a Trustee, the guidance given in 'Responsibilities of Charity Trustees' (March 1996), or subsequent publication shall apply.

30—HEALTH AND SAFETY

The Council has a Health and Safety Policy which shall be reviewed annually.

31—ADMISSION OF PUBLIC AND PRESS TO MEETINGS.

The public and press shall be admitted to all meetings of the Council, which may however temporarily exclude the public or the press or both by means of the following resolution:

"That in the view of the confidential nature of the business to be transacted, the press, etc., be temporarily excluded."

32—CONFIDENTIAL BUSINESS

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.

33—OFFICIAL AND CIVIC INVITATIONS

The following was resolved on 5 July 2016, page 1137, item 11:

With the unavailability of the Mayor to attend an official event, the Deputy Mayor to be informed by the Mayor. Similarly, the Deputy Mayor to inform the Immediate Past Mayor – and Past Mayors as the occasion may demand. The responsibility of notification, therefore, is to be taken by the member who is unavailable to attend the event.

34—DONATIONS / GRANTS

Application for Grant for Voluntary Organisations. Local Government Act 1972, Section 137. Application to be forwarded with the official application form or acceptable letter of request and will not be considered unless accompanied by a copy of the latest set of annual accounts showing the organisation's income, expenditure and level of balances. If the organisation does not prepare annual accounts, copies of the bank statements covering the previous six months must be enclosed (minuted 7 April 2015, page 986).

35—CARDIGAN TOWN COUNCIL BILINGUAL POLICY

The Council's Welsh Language Scheme was prepared under the Welsh Language Act 1993. This Scheme received the approval of the Welsh Language Board under section 14(1) of the Act. The Council has agreed to conform to this Scheme and to operate in accordance with all the clauses outlined in the body of the Scheme.

36—SUSPENSION OF STANDING ORDERS.

Any part of the Standing Orders, except items in **bold type**, may be suspended by resolution in relation to any specific item of business.

Standing Orders to be given to members

A printed copy of these Standing Orders shall be given to each new member of the Council.

Reviewed, amended and approved at a meeting of Cardigan Town Council, on 5th March 2019, page 1468, item 6.



John Adams-Lewis, Town Mayor



L. Wynford Jones, Clerk to the Council