

**DINAS POWYS COMMUNITY COUNCIL
CYNGOR CYMUNED DINAS POWYS**

CONSTITUTION

AND

STANDING ORDERS

REVISED MAY 2016

DINAS POWYS COMMUNITY COUNCIL
CYNGOR CYMUNED DINAS POWYS

CONSTITUTION AND STANDING ORDERS

I N D E X

CONSTITUTION

1. Name.
2. Area.
3. Objectives.
4. Membership/Co-option to Committees.
5. Process for Community Council Elections.
6. Welsh Language Scheme.

STANDING ORDERS

1. Rules of Debate at Meetings.
2. Disorderly Conduct at Meetings.
3. Meetings Generally.
4. Appointment of Committees and Sub-Committees.
5. Ordinary Council Meetings.
6. Extraordinary Meetings of the Council and Committees.
7. Previous Resolutions.
8. Plenary Powers.
9. Voting on Appointments.
10. Motions for a meeting that require written notice to be given to the Proper Officer.
11. Motions at a meeting that do not require written notice.
12. Handling confidential or sensitive information.
13. Draft Minutes.
14. Notice of Meetings
15. Record of Attendance at Meetings.
16. Failure to Attend Full Council Meetings.
17. Code of Conduct and Dispensations.
18. Code of Conduct Complaints.
19. Proper Officer.
20. Responsible Financial Officer.
21. Accounts and Accounting Statements.
22. Financial Controls and Procurement.
23. Handling Staff Matters.
24. Requests for Information.
25. Relations with the Press/Media.
26. Execution and Sealing of Legal Deeds.
27. Restrictions on Councillor Activities.
28. Standing Orders generally.
29. Adoption of Standing Orders.

Appendix A – Relationships Between Councillors and Council Employees.

DINAS POWYS COMMUNITY COUNCIL
CYNGOR CYMUNED DINAS POWYS

CONSTITUTION

1. NAME

- 1.1 This Constitution and related Standing Orders (“the Constitution”) is the Constitution of the Dinas Powys Community Council (hereinafter referred to as the Community Council).

2. AREA

- 2.1 The Community represented by the Community Council covers the following polling Districts within the Vale of Glamorgan Council Local Government Register of Electors currently in force:

Twyn - OAO, Eastbrook - OBO, Murch – OCO, Cross Common - ODO and Cross Common (B) - OD1

3. OBJECTIVES

- 3.1 The objectives of the Community Council are to ascertain, co-ordinate and express to the Vale of Glamorgan Council and to other public authorities, the views of the community which it represents; and to take such action, in the interests of the community, as appears to be expedient and practicable.

4. MEMBERSHIP

- 4.1 The Community Council will have a maximum of 16 elected Members or as determined by law from time to time.

CO-OPTION TO COMMITTEES

- 4.2 The Community Council may co-opt Members for a purpose or project where particular skills are not available from within the Community Council’s own elected membership.
- 4.3 The number of co-opted Members must not exceed one third of the number of elected Members of the Community Council.
- 4.4 Co-opted Members should only serve on the Community Council for the duration of the project/purpose for which they were co-opted.
- 4.5 The maximum period of co-option in any event being up to the next full election of the Community Council.
- 4.6 Co-opted members shall not have voting rights.

5. PROCESS FOR COMMUNITY COUNCIL ELECTIONS

5.1 Community Council elections will be held and administered along with procedures for appointing a Member arising from a casual vacancy in accordance with the law applicable to such elections and appointments.

6. WELSH LANGUAGE SCHEME

6.1 Dinas Powys Community Council had adopted the principle that in the conduct of public business in Wales it will treat Welsh and English on a basis of equality. A Scheme is in place which sets out how the Council will implement that principle in the provision of services to the public in Dinas Powys.

STANDING ORDERS

1. RULES OF DEBATE AT MEETINGS

- 1.1 Motions on the Agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the Meeting.
- 1.2 A Motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 1.3 A Motion on the Agenda that is not moved by its proposer may be treated by the Chairman of the Meeting as withdrawn.
- 1.4 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.
- 1.5 An amendment is a proposal to remove or add words to a Motion. It shall not negate the motion.
- 1.6 If an amendment to the original Motion is carried, the original Motion becomes the substantive Motion upon which further amendment(s) may be moved.
- 1.7 An amendment shall not be considered unless early verbal notice of it is given at the Meeting and, if requested by the Chairman of the Meeting, is expressed in writing to the Chairman.
- 1.8 A Councillor may move an amendment to his/her 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.
- 1.9 If there is more than one amendment to an original or substantive Motion, the amendments shall be moved in the order directed by the Chairman.
- 1.10 Subject to Standing Order 1.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the Meeting.
- 1.11 One or more amendments may be discussed together if the Chairman of the Meeting considers this expedient but each amendment shall be voted upon separately.
- 1.12 A Councillor may not move more than one amendment to an original or substantive Motion.
- 1.13 The mover of an amendment has no right of reply at the end of debate on it.

- 1.14 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 of the first amendment or at the very end of debate on the final substantive Motion immediately before it is put to the vote.
- 1.15 Unless permitted by the Chairman of the Meeting, a Councillor may speak once in the debate on a Motion except:
- a. to speak on an amendment moved by another Councillor;
 - b. to move or speak on another amendment if the Motion has been amended since he/she last spoke;
 - c. to make a point of order;
 - d. to give a personal explanation; or
 - e. in exercise of a right of reply.
- 1.16 During the debate of 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 he/she considers has been breached or specify the other irregularity in the proceedings of the Meeting he/she is concerned by.
- 1.17 A Point of Order shall be decided by the Chairman of the Meeting and his/her decision shall be final.
- 1.18 When a Motion is under debate, no other Motion shall be moved except:
- a. to amend the Motion;
 - b. to proceed to the next business;
 - c. to adjourn the debate;
 - d. to put the Motion to a vote;
 - e. to ask a person to be no longer heard or to leave the Meeting;
 - f. to refer a motion to a Committee or Sub-Committee for consideration;
 - g. to exclude the public and press;
 - h. to adjourn the Meeting; or
 - i. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- 1.19 Before an original or substantive Motion is put to the vote, the Chairman 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/her right of reply.
- 1.20 Excluding Motions moved under Standing Order 1.18 above, the contributions or speeches by a Councillor shall relate only to the Motion under discussion and shall not exceed **(ten) *** minutes without the consent of the Chairman of the Meeting.

2. **DISORDERLY CONDUCT AT MEETINGS**

- 2.1 No person shall obstruct the transaction of business at a Meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairman of the Meeting shall request such person(s) to moderate or improve their conduct.
- 2.2 If person(s) disregard the request of the Chairman of the Meeting to moderate or improve their conduct, any Councillor or the Chairman of the Meeting may move that the person be no longer heard or excluded from the Meeting. The Motion, if seconded, shall be put to the vote without discussion.
- 2.3 If a Resolution made under Standing Order 2.2 above is ignored, the Chairman 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**

- 3.1 **Full Council Meetings.** 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.
- 3.2. **Full Council Meetings.** 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.
- 3.3 **Committee Meetings.** The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- 3.4 **Full Council Meetings and Committee Meetings.** 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.
- 3.5. 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 having previously sort the approval of the Chairman and Council, through the Clerk, to address Council.
- 3.6 The period of time designated for public participation at a meeting in accordance with Standing Order 3.5 above shall not exceed **five** minutes unless directed by the Chairman * of the meeting.
- 3.7 Subject to Standing Order 3.6 above, a member of the public shall not speak for more than **five** minutes. *
- 3.8 In accordance with Standing Order 3.5 above, a question shall not require a response at the Meeting nor start a debate on the question. The Chairman of the Meeting may direct that a written or oral response be given.
- 3.9 A person shall raise his hand when requesting to speak.

- 3.10 A person who speaks at a Meeting shall direct his/her comments to the Chairman of the Meeting.
- 3.11 Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the Meeting shall direct the order of speaking.
- 3.12 **Full Council Meetings and Committee Meetings.** Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- 3.13 **Full Council Meetings and Committee Meetings.** 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.
- 3.14 **Full Council Meetings.** Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his/her absence be done by, to or before the Vice-Chairman of the Council (if any).
- 3.15 **Full Council Meetings.** The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 3.16 **Full Council, Committee and Sub-Committee Meetings.** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.
- 3.17 **Full Council, Committee and Sub-Committee Meetings.** The Chairman 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 his casting vote whether or not he gave an original vote.
See Standing Orders 5.12 and 5.13 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- 3.18 **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 his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- 3.19 The minutes of a meeting shall include an accurate record of the following:
- a. the time and place of the meeting;
 - b. the names of councillors present and absent;
 - c. interests that have been declared by Councillors and non-Councillors with voting rights.
 - d. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - e. if there was a public participation session; and
 - f. the resolutions made.

3.20 *(Wales) 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 his right to participate in a discussion or vote on that matter is subject to obligations in the Code of Conduct adopted by the Council.*

3.21 **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 4.4 h. below for the quorum of a Committee or Sub-Committee meeting.

3.22 **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.

3.23 A meeting shall not exceed a period of **three** hours. *

4. **APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

4.1 **Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.**

4.2 **The members of a Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**

4.3 **Unless the Council determines otherwise, all the members of an Advisory Committee and a Sub-Committee of the Advisory Committee may be non-Councillors.**

4.4 The Council may appoint Standing Committees or other Committees as may be necessary, and:

- a. shall determine their terms of reference;
- b. shall determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next Annual Meeting of Full Council;
- c. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;
- d. shall, subject to Standing Orders 4.2 and 4.3 above, appoint and determine the terms of office of members of such a Committee;
- e. may, subject to Standing Orders 4.2 and 4.3 above, appoint and determine the Terms of Office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a Committee if the ordinary members of the committee confirm to the Proper Officer **two** days before the meeting that they are **unable to attend** *;
- f. shall, after it has appointed the members of a Standing Committee, appoint the Chairman of the Standing Committee;
- g. shall permit a Committee other than a Standing Committee, to appoint its own Chairman at the first meeting of the Committee;
- h. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which shall be no less than three;
- i. shall determine if the public may participate at a meeting of a Committee;
- j. 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;
- k. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- l. may dissolve a Committee.

- 4.5 The Chairman of the Community Council shall be an ex-officio member of all Committees without voting rights unless he or she is appointed in their own right as a Member of the Committee.

5. ORDINARY COUNCIL MEETINGS

- 5.1 **In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- 5.2 **In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council may direct.**
- 5.3 **If no other time is fixed, the Annual Meeting of the Council shall take place at 6.00 pm.**
- 5.4 **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 may direct.**
- 5.5 **The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- 5.6 The Chairman shall be selected from a rank order listing of elected Members based on the proportion of votes received in their particular Ward at the most recent Community Council election.
- 5.7 Members who have been elected at least twice, not necessarily consecutive, shall rank before Members who have not. Members entitled to be appointed as Chair may decline in which case the next highest ranked Member shall be appointed as Chairman until the cycle of 16 Members has been complete (new cycle commenced May 2012).
- 5.8 The Community Council shall also at the Annual Meeting appoint a Chairman and Vice-Chairman of each of the Standing Committees.
- 5.9 **The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in Office and preside at the Annual Meeting until his/her successor is elected at the next Annual Meeting of the Council.**
- 5.10 **The Vice-Chairman of the Council, if any, unless he/she resigns or becomes disqualified, shall hold Office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- 5.11 **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- 5.12 **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- 5.13 Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:
- a. **In an election year, delivery by the Chairman 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 Chairman of the Council of his/her Acceptance of Office form unless the Council resolves for this to be done at a later date;**
 - b. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - c. Receipt of the minutes of the last meeting of a Committee;
 - d. Consideration of the recommendations made by a Committee;
 - e. Review of delegation arrangements to Committees, Sub-Committees, staff and other local authorities;
 - f. Review of the terms of reference for Committees;
 - g. Appointment of members to existing Committees;
 - h. Appointment of any new Committees in accordance with Standing Order 4 above;
 - i. Review and adoption of appropriate Standing Orders and financial regulations;
 - j. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - k. Review of representation on or work with external bodies and arrangements for reporting back;
 - l. Review of inventory of land and assets including buildings and office equipment;
 - m. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - n. Review of the Council's and/or staff subscriptions to other bodies;
 - o. Review of the Council's complaints procedure;
 - p. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - q. Review of the Council's policy for dealing with the press/media; and
 - r. Determining the time and place of ordinary Meetings of the Full Council up to and including the next Annual Meeting of Full Council.

6. **EXTRA-ORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES**

- 6.1 **The Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
- 6.2 **If the Chairman of the Council does not or refuses to 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 must be signed by the two Councillors.**
- 6.3 The Chairman of a Committee [or a Sub-Committee] may convene an Extra-ordinary Meeting of the Committee [or the Sub-Committee] at any time.

- 6.4 If the Chairman of a Committee [or a Sub-Committee] does not or refuses to call an Extra-ordinary Meeting within **seven** days of having been requested by to do so by **two-thirds** members of the committee [or the sub-committee], any **(one-third)** members of the Committee [and the sub-committee] may convene an Extra-ordinary Meeting of a Committee [and a sub-committee]. *

7. PREVIOUS RESOLUTIONS

- 7.1 A Resolution shall not be reversed within six months except either by a special Motion, which requires written notice by at least **five** Councillors to be given to the Proper Officer in accordance with Standing Order 9 below, or by a Motion moved in pursuance of the recommendation of a Committee or a Sub-Committee. *

When a motion moved pursuant to Standing Order 7.1 above has been disposed of, no similar Motion may be moved within a further six months.

8. PLENARY POWERS

Dinas Powys Community Council's Planning Committee has been granted Plenary Powers on decision regarding Planning Applications. Committee's decisions will then only be noted at Full Council.

The Planning Committee Chairman is to ensure all future Planning Committee Meetings are arranged during the evening. Should there be insufficient Members available the Meeting must be re-arranged. All Council Members are to be notified of Planning Applications, especially contentious applications, in order that they can either attend the relevant Planning Committee Meeting or submit their comments.

9. VOTING ON APPOINTMENTS

- 9.1 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 Chairman of the Meeting.

10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICE

- 10.1 A Motion shall relate to the responsibilities of the meeting which it is tabled for 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.
- 10.2 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 **seven** clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. *
- 10.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9.2 above, correct obvious grammatical or typographical errors in the wording of the motion.

- 10.4 If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9.2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least **five** clear days before the meeting. *
- 10.5 If the wording or subject of a proposed Motion is considered improper, the Proper Officer shall consult with the Chairman 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.
- 10.6 Subject to Standing Order 9.5 above, the decision of the Proper Officer as to whether or not to include the Motion on the agenda shall be final.
- 10.7 Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- 10.8 Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- 11.1 The following Motions may be moved at a meeting without written notice to the Proper Officer;
- a. to correct an inaccuracy in the draft minutes of a meeting;
 - b. to move to a vote;
 - c. to defer consideration of a Motion;
 - d. to refer a motion to a particular Committee or Sub-Committee;
 - e. to appoint a person to preside at a meeting;
 - f. to change the order of business on the agenda;
 - g. to proceed to the next business on the agenda;
 - h. to require a written report;
 - i. to appoint a Committee or Sub-Committee and their members;
 - j. to extend the time limits for speaking;
 - k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - l. to not hear further from a Councillor or a member of the public;
 - m. to exclude a Councillor or member of the public for disorderly conduct;
 - n. to temporarily suspend the meeting;
 - o. to suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
 - p. to adjourn the meeting; or
 - q. to close a meeting.

12. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- 12.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 12.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

13. DRAFT MINUTES

- 13.1 If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 13.2 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 10.1 a. above.
- 13.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by Resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 13.4 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The Chairman 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 his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- 13.5 Upon 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.

14. NOTICE OF MEETINGS

- 14.1 The Clerk shall give notice of all meetings of Committees, Sub-Committees, Working Groups or Panels, specifying the business to be transacted, which shall be left at or sent by post to the usual place of residence of every member of the Committee, Sub-Committee or other body or sent to the nominated e-mail address of each Member. Want of service of the notice on any member shall not invalidate the proceedings of a meeting.
- 14.2 Except in cases of urgency, at least three clear days notice of a meeting shall be given.
- 14.3 The business to be transacted at a meeting shall be limited to that specified in the notice unless the person chairing the meeting permits otherwise.
- 14.4 Every member of the Community Council who is not a member of a Committee shall be entitled to receive a copy of the notice of a meeting and all related papers. This entitlement shall not apply to non-voting co-opted Members.

15. RECORD OF ATTENDANCE AT MEETINGS

- 15.1 The Clerk shall be responsible for maintaining a record of attendance at meetings of the Community Council, Committees, Sub-Committees, Working Groups and Panels.

16. FAILURE TO ATTEND FULL COUNCIL MEETINGS AND DISORDERLY CONDUCT

- 16.1 If a Member of the Community Council fails throughout a period of six consecutive months from the date of their last attendance to attend any Meeting of the Council (including Committees, Sub-Committees or as a representative of the Council), they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The effective date of the vacancy is the date declared by the Council.

17. CODE OF CONDUCT AND DISPENSATIONS

See also Standing Order 3.20 above.

- 17.1 **Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.**
- 17.2 All Councillors shall undertake training in the Code of Conduct within six months of the delivery of their Acceptance of Office form.
- 17.3 **Dispensation requests shall be in writing and submitted to the Standards Committee of [the County Borough] OR [County Council] as soon as possible before the meeting that the dispensation is required for.**

18. CODE OF CONDUCT COMPLAINTS

- 18.1 All complaints relating to breaches of the Code of Conduct by Community and Town Councils should be reported to the Public Ombudsman for Wales.
- 18.2 The Council may:
- a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by Law;
 - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
 - c. [(Wales) indemnify the Councillor or non-Councillor with voting rights in respect of his/her related legal costs and any such indemnity is subject to approval by a meeting of the Full Council.]

19. PROPER OFFICER

- 19.1 The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 19.2 The Proper Officer shall:
- a. **[at least three clear days before a meeting of the Council, a Committee and a Sub-Committee serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.]**
OR
[at least three clear days before a meeting of the Council, a Committee and a Sub-Committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].
See Standing Order 3.2 above for the meaning of clear days for a meeting of a Full Council and Standing Order 3.3 above for a meeting of a Committee.

- b. give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a Committee or a Sub-Committee (provided that the public notice with agenda of an Extraordinary Meeting of the Council convened by Councillors is signed by them);

See Standing Order 3.2 above for the meaning of clear days for a meeting of a Full Council and Standing Order 3.3 above for a meeting of a Committee.

- c. subject to Standing Order 9 above, include on the agenda all Motions in the order received unless a Councillor has given written notice at least **three** days before the * meeting confirming his/her withdrawal of it;
- d. **convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- e. facilitate inspection of the minute book by local government electors;
- f. **receive and retain copies of byelaws made by other local authorities;**
- g. retain acceptance of office forms from Councillors;
- h. retain a copy of every Councillor's register of interests;
- i. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- j. receive and send general correspondence and notices on behalf of the Council except where there is a Resolution to the contrary;
- k. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- l. arrange for Legal Deeds to be executed;
See also Standing Order 25 below.
- m. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- n. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- o. refer a planning application received by the Council to the Chairman of the **(Planning)** Committee] within two working days of * receipt
- p. facilitate an Extraordinary Meeting if the nature of a planning application requires consideration before the next ordinary meeting of the **(Planning)** * Committee;
- q. manage access to information about the Council via the publication scheme; and
- r. retain custody of the Seal of the Council (if any) which shall not be used without a resolution to that effect.
See also Standing Order 25 below.

20. RESPONSIBLE FINANCIAL OFFICER

- 20.1 The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

21. ACCOUNTS AND ACCOUNTING STATEMENTS

- 21.1 "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils in Wales – A Practitioners' Guide.
- 21.2 All payments by the Council shall be authorised, approved and paid in accordance with the Law, proper practices and the Council's financial regulations.

- 21.3 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:
- a. the Council's receipts and payments for each quarter;
 - b. the Council's aggregate receipts and payments for the year to date;
 - c. the balances 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.

- 21.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- a. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - b. to the Full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

- 21.5 The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

22. FINANCIAL CONTROLS AND PROCUREMENT

- 22.1 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:
- a. the keeping of accounting records and systems of internal controls;
 - b. the assessment and management of financial risks faced by the Council;
 - c. 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;
 - d. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - e. procurement policies subject to Standing Order 21.3 below including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
- 22.2 Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 22.3 Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in Standing Order 21.4 below.**
- 22.4 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:
- a. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - b. 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;

- c. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- e. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
- f. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

22.5 Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

22.6 Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

23. HANDLING STAFF MATTERS

23.1 A matter personal to a member of staff that is being considered by the **Management Committee** is subject to Standing Order 12 above.

23.2 Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the **Management Committee** of absence occasioned by illness or other reason and that person shall report such absence to the **Management Committee**.

23.3 The Chairman of the **Management Committee** shall upon a Resolution conduct a review of the performance and annual appraisal of the work of [the employee's job title]. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the **Management Committee***.

23.4 Grievance and Discipline:

a. Redress of Grievance

The Council encourages employees to settle grievances informally with **the Clerk to the Council**. Should the Clerk to the Council be unable to resolve the matter staff must set out the grievance and the basis for it in writing and submit it to the **Chairman of Council with a copy to the Chairman of the Management Committee**.

Should the Chairman of Council be unable to resolve the matter informally or staff have a grievance relating to any aspect of their employment which they would like to be resolved formally, this matter will then be dealt with by the **Chairman of the Management Committee**.

Staff must apply in writing to the **Chairman of the Management Committee** for redress of any grievance relating to their employment and/or disciplinary decision applied to them. The Chairman shall report their application to a **Grievance Panel Meeting** of the **Management Committee** held in the absence of the public and the press. Staff will have an opportunity to set out their grievance. The grievance will then be considered and a decision reached by the Panel.

Should staff be dissatisfied with the Panel's decision they have the right to make an appeal to the Appeals Panel of the **Council's Management Committee**.

Under the provisions of the 1999 Employment Relations Act s.10 staff have the right to have a representative of their choice present at any Grievance or Disciplinary Hearing.

b. Conciliation and Mediation

Before resorting to formal procedures from the employee or from the Council it is the policy of the Council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of 'Mediation' seeking conciliation. Where necessary the Council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute.

c. Disciplinary Procedure

Before any disciplinary action is taken by the Council a notice in writing giving details of the matter, signed and authorised by the Chairman of Council, will be passed to the Chairman of the Management Committee to resolve.

Staff (together with an adviser if they wish) will have a full opportunity to answer the allegations at a Meeting of the Council's Disciplinary Panel held in the absence of the public and the press. Should they be dissatisfied with the Panel's decision they have the right to make an Appeal to the Appeals Panel of the Council.

- 23.5 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 23.6 The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- 23.7 Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 22.6 and 22.7 above if so justified.
- 23.8 Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 22.6 and 22.7 above shall be provided only to (post holder) and the Chairman of the Council.

24. REQUESTS FOR INFORMATION

- 24.1 Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 24.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the **Management Committee**. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000. *

25. RELATIONS WITH THE PRESS/MEDIA

25.1 Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

26. EXECUTION AND SEALING OF LEGAL DEEDS

See also Standing Orders 18.2 l. and r. above.

26.1 A Legal Deed shall not be executed on behalf of the Council unless authorised by a Resolution.

26.2 [Subject to Standing Order 25.1 above, 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 two Councillors who shall sign the deed as witnesses.]

27. RESTRICTIONS ON COUNCILLOR ACTIVITIES

27.1 Unless authorised by a Resolution, no Councillor shall:

- a. inspect any land and/or premises which the Council has a right or duty to inspect; or
- b. issue orders, instructions or directions.

28. STANDING ORDERS GENERALLY

28.1 All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by Resolution in relation to the consideration of an item on the agenda for a meeting.

28.2 A Motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a Special Motion, the written notice by at least **five** Councillors to be given to the Proper Officer * in accordance with Standing Order 9 above.

The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his Acceptance of Office form.

The decision of the Chairman of a Meeting as to the application of Standing Orders at the Meeting shall be final.

29. ADOPTION OF THE CONSTITUTION AND STANDING ORDERS

29.1. This Constitution and Amended Standing Orders was adopted by Dinas Powys Community Council at a Full Meeting of the Community Council held on

THURSDAY, 19TH MAY 2016

Signed: Chairman of Council

Amended: 9th May 2016

APPENDIX A TO CONSTITUTION AND STANDING ORDERS **RELATIONSHIPS BETWEEN COUNCILLORS AND COUNCIL EMPLOYEES**

Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a Council. To help ensure that relationships do not go awry, it is advisable to have a written protocol, which can cover:

- a) The respective roles and responsibilities of the Councillors and the Clerk, and any other staff employees;
- b) Relationships between Councillors and Officers;
- c) Where/Who the Clerk should go to if they have concerns;
- d) Who is responsible for making decisions?

The same fundamental principles apply regardless of the nature and size of the Council. This protocol has been written in a way that will be particularly relevant to larger Councils but personal relationships and personnel matters can be particularly problematic in smaller councils where the Clerk may be the sole employee and means having an agreed protocol is very important.

Model Protocol on Member/Officer Relations

1. Background

- 1.1 This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- 1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

2. Roles of Councillors and Employees

- 2.1 The respective roles of Councillors and employees can be summarised as follows: Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant Committees.

2.2 Councillors

2.2.2 Councillors have four main areas of responsibility:

To determine Council policy and provide community leadership;
To monitor and review Council performance in delivering services;
To represent the Council externally; and
To act as advocates for their constituents.

2.2.3 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

2.2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

2.3 **Chairmen and Vice-Chairmen of Committees**

Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

2.4 **Officers**

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the Officer to make a recommendation contrary to the Officer's professional view, nor victimise an Officer for discharging his/her responsibilities.

3. **Expectations**

3.1 **All Councillors can expect:**

A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group;
A working partnership;
Officers to understand and support respective roles, workloads and pressures;
A timely response from Officers to enquiries and complaints;
Officer's professional advice, not influenced by political views or personal preferences; regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
Officers to be aware of and sensitive to the public and political environment locally;
Respect, courtesy, integrity and appropriate confidentiality from Officers; training and development opportunities to help them carry out their role effectively;
Not to have personal issues raised with them by Officers outside the council's agreed procedures;
That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
That Officers will at all times comply with the relevant code of conduct.

3.2 **Officers can expect from Councillors:**

A working partnership;

An understanding of, and support for, respective roles, workloads and pressures;

Leadership and direction;

Respect, courtesy, integrity and appropriate confidentiality;

Not to be bullied or to be put under undue pressure;

That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;

That Councillors will at all times comply with the Council's adopted Code of Conduct.

3.3 **Some General Principles:**

Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.

Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

4. **Political Groups**

4.1 The operation of political groups is becoming more of a feature within Community Councils. Community Councillors are there to serve their community as members of the community, and should not be sidetracked by party political issues. Party politics within a Community Council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.

4.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the Council.

4.3 If your Council has adopted party political groupings, the Clerk should ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Clerk's job to make recommendations to a political group.

4.4 If a report is prepared for one political group, the Clerk should advise all other political groups that the report has been prepared, or that advice was given.

5. **When things go wrong:**

Procedure for Officers

5.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the Council adopts a formal grievance protocol or procedure.

- 5.2 The District or Unitary Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. For example, the Society of Local Council Clerks may be able to provide an independent person. The Chair of the Council should not attempt to deal with grievances or work related performance or line management issues on their own. The Council should delegate authority to a small group of Councillors to deal with all personnel matters.
- 5.3 The Law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.