

# Abergele Town Council

## STANDING ORDERS

### 1. Town / Deputy Mayor

- a) The Abergele Town Mayor shall be elected by the Town Council from amongst the Town Councillors present at the meeting.
- b) The Town Council shall appoint a Councillor to be Deputy Mayor
- c) The Deputy Mayor shall, if for any reason the Town Mayor is unable to act or the office of Town Mayor is vacant, discharge all functions which the Town as such might discharge, except he/she shall not take the chair at a meeting of the Town Council unless specially appointed at the meeting to do so.

### 2. Meetings

- a) Meetings of the Town Council shall be held in each year on such dates and times and at such place as the Town Council may direct.
- b) Smoking, and the smoking of e-cigarettes is not permitted at any meeting of the Town Council or on the Town Hall premises and surrounding area.

### 3. The Statutory Annual Meeting

- a) **In an election year the Annual Town Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
- b) **in a year which is not an election year the Annual Town Council Meeting shall be held on such day in May as the Town Council may direct.**

### 4. Chairman of the Meeting

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

### 5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Town Council in the following cases, shall be the Town Clerk or nominated officer: -

- a) To accept apologies for absence from members directly to the Town Clerk or nominated Officer only via telephone, email or in person.
- b) To receive declarations of acceptance of office.

- c) To receive and record notices disclosing interests at meetings.
- d) To receive and retain plans and documents.
- e) To sign notices or other documents on behalf of the Town Council.
- f) To receive copies of bylaws made by another local authority.
- g) To certify copies of bylaws made by the Town Council.
- h) To sign and issue the summons to attend meetings of the Town Council.
- i) To keep proper records for all Town Council meetings.

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

## 6. **Quorum of the Town Council**

**Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Town Council.**

- 7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

For a quorum relating to a committee or sub-committee, please refer to Standing Order 48.

## 8. **Voting**

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

- 9. **If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

## 10. **Chairman's Vote**

- a) **Subject to b) and c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.**

- b) **If the person presiding at the annual meeting would have ceased to be a member of the Town Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.**
- c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

11. **Order of Business**

**At each Annual Town Council Meeting the first business shall be:-**

- a) **To elect a Town Mayor of the Abergele Town Council.**
- b) **To receive the Mayor's declaration of acceptance of office or if not then received, to decide when it shall be received.**
- c) **In the ordinary year of election of the Town Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- e) To elect a Deputy Mayor of the Town Council.
- f) To appoint representatives to outside bodies.
- g) To appoint committees and sub-committees.
- h) To consider the payment of any subscriptions failing to be paid annually.
- i) To inspect any deeds and trust investments in the custody of the Town Council as required.

and shall thereafter follow the order set out in the Standing Order 15.

- 12. At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent, and to receive such declarations of acceptance of office (if any) and undertaking to observe the Town Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.
- 13. In every year, not later than the meeting at which the estimates for next year are settled, the Town Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.
- 14. After the first business has been completed, the order of business, unless the Town Council otherwise decides on the ground of urgency, shall be as

follows:-

- a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- c) **To deal with business expressly required by statute to be done.**
- d) To dispose of business, if any, remaining from the last meeting.
- e) To receive such communications as the person presiding may wish to lay before the Town Council.
- f) To answer questions from Councillors.
- g) To receive and consider reports and minutes of committees.
- h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- i) If necessary, to authorise the signing of orders for payment.

#### 15. Urgent Business

A motion to vary the order of business on the ground of urgency:

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

#### 16. Resolutions Moved On Notice

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 Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least 5 clear days before the next meeting of the Town Council.

17. The Town Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and available to the inspection of every member of the Town Council.
18. The Town 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.

19. 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 Town Council, be treated as withdrawn and shall not be moved without fresh notice.
20. If an item has been placed on an agenda by a Member who is not present at the meeting, the matter will be adjourned without further discussion until the next meeting of the Town Council / Committee. If the Member is still not present at the next meeting, the item will be removed from the agenda and will need to be resubmitted.
21. If the subject matter of a resolution comes within the province of a committee of the Town Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Town Council may determine for report; provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
22. Every resolution or recommendation shall be relevant to some subject over which the Town Council has power or duties, which affects its area.

(i) Resolutions Moved Without Notice

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

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.

- n) To exclude the press and public. (see Order 68 below)
- o) To silence or eject from the meeting a member named for misconduct, (see order 33 below)
- p) To give the consent of the Town Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order, (see Order 79 below)
- r) To adjourn the meeting.

23. Questions

A member may ask the Town Mayor/Chairman or the Town Clerk any question concerning the business of the Town Council, in writing or by e-mail, provided 5 clear days' notice of the question has been given to the person to whom it is addressed.

24. No questions not connected with the business under discussion shall be asked

25. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Town Mayor/Chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 5 minutes except by consent of the Town Council.
- e) An amendment shall be either-
  - (i) To leave out words.
  - (ii) To leave out words and insert others
  - (iii) To insert or add words.
- f) An amendment shall not have the effect of negating the resolution before the Town Council.

- g) 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.
  - h) A further amendment shall not be moved until the Town Council has disposed of every amendment previously moved.
  - i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.
  - j) A member, other than the mover of a resolution, shall not, without leave of the Town 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.
  - k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.
  - l) A motion or amendment may be withdrawn by the proposer with the consent of the Town 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.
  - m) When a resolution is under debate no other resolution shall be moved except the following:-
    - (i) To amend the resolution.
    - (ii) To proceed to the next business.
    - (iii) To adjourn the debate.
    - (iv) That the question be now put.
    - (v) That a member named be not further heard.
    - (vi) That a member named leave the meeting.
    - (vii) That the resolution be referred to a committee.
    - (viii) To exclude the public and press.
    - (ix) To adjourn the meeting.
30. A member shall remain seated when speaking unless requested to stand by the Chairman.
- a) The ruling of the Mayor/Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - b) Members shall address the Mayor/Chairman. If two or more members wish to speak, the Mayor/Chairman shall decide who to call upon.
  - c) Whenever the Mayor/Chairman speaks during a debate all other members shall be silent.

31. Closure

At the end of any speech a member may, without comment, move "that the

question be now put", "that the debate be now adjourned" or "that the Town Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he/she is of the opinion that the question before the Town Council has been sufficiently debated. If the motion "that the question be now put" is carried, he/she shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Town Council shall not prejudice the mover's right of reply at the resumption.

### 32. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the Town Council on 17<sup>th</sup> January 2002, a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Mayor/Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Town Council into disrepute.**
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Town Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Ombudsman-Wales.**

33. If either of the motions mentioned in paragraph (32c) is disobeyed, the Mayor/Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

### 34. Right of Reply

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

### 35. Alteration of Resolution

A member may, with the consent of his/her Secunder, move amendments to his/her own resolution.

### 36. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Town Council shall not be reversed within six months except either by a special resolution, the written

notice whereof bears the names of at least 4 members of the Town 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 provision of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

37. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Town 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.

38. Discussions and Resolutions Affecting Employees of the Town 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 Town Council, it shall not be considered until the Town Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.

(See Standing Order No. 68.)

39. Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Policy & Finance Committee or of another committee after recommendation by the Policy & Finance Committee) and which, if carried, would, in the opinion of the Mayor/Chairman, substantially increase the expenditure upon any service which is under the management of the Town Council 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 Town Council, and any committee affected by it shall consider whether it desires to report thereon (and the Policy & Finance Committee shall report on the financial aspect of the matters).

40. Expenditure

**Orders for the payment of money shall be authorised by resolution of the Town Council and authorised by two members, (in line with the Financial Regulations set out by the Town Council)**

41. Committees and Sub Committees

The Town Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - b) May appoint persons other than members of the Town Council to any Committee;
  - c) May, subject to the provisions of Standing Order 36 above, at any time dissolve or alter the membership of committee.
42. The Town Mayor and Deputy Mayor shall be voting members of every standing committee.
43. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-chairman who shall hold office until the next Annual Meeting of the Town Council, and shall settle its programme of meetings for the year.
44. Special Meeting
- The Chairman of a committee or the Town Mayor of the Town Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
45. Sub-Committees
- Every committee may appoint sub-committees for purposes to be specified by the committee.
46. The Chairman and Vice-Chairman of the standing committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
47. Except where ordered by the Town Council in the case of a committee, or by the Town Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one third of its members.
48. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
49. Advisory Committees
- a) The Town Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

- b) The Town Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Town Council.
- d) An advisory committee may consist wholly of persons who are not members of the Town Council.

50. Voting in Committees

Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

51. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

52. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution, which has been referred to any committee of which he/she is not a member, may explain his/her resolution to the committee but shall not vote.

53. Accounts and Financial Statement

- a) Except as provided in paragraph (b) of this Standing Order or by statute all acts for payment and claims upon the Town Council shall be laid before the Town Council.
- b) Where it is necessary to make a payment before it has been authorised by the Town Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Town Mayor or Deputy Mayor of the Town Council.
- c) All payments ratified under sub-paragraph b) of this Standing Order shall be separately included in the next schedule of payments before the Town Council.

54. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Town Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Town Council (which is subject to external audit) shall be presented to Town Council for formal approval before the end of the following month of September.

55. Estimates / Precepts

- a) The Town Council shall approve written estimates for the coming financial year at its meeting before the end of the month of February.
- b) Any committee desiring to incur expenditure shall give the Town Clerk a written estimate of the expenditure recommended for the coming year no later than 1<sup>st</sup> November.

56. Interests (WALES)

**If a member has a personal interest as defined by the Code of Conduct adopted by the Town Council on 5<sup>th</sup> November 2009, then that interest must be declared and a decision made by the member whether to stay or withdraw.**

60. **The Town Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

61. If a candidate for any appointment under the Town Council is to his/her knowledge related to any member of or the holder of any office under the Town Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Town Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Order 57 shall apply.

62. The Town Clerk shall make known the purpose of Standing Order 61 to every candidate.

63. Canvassing of and Recommendations by Members

- a) Canvassing of members of the Town Council or of any committee, directly or indirectly, for any appointment under the Town Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub- paragraph of this Standing Order to every candidate.
  - b) A member of the Town Council or of any committee shall not solicit for any person any appointment under the Town 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 Town Council with an application for appointment.
64. Standing Order Nos. 61 & 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

65. Inspection of Documents

A member may for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Town Council or a committee, and if copies

are available shall, on request, be supplied for the like purpose with a copy.

66. **All minutes kept by the Town Council and by any committee shall be open for the inspection of any member of the Town Council.**

67. Unauthorised Activities

No member of the Town Council shall in the name of or on behalf of the Town Council:-

- a) Inspect any lands or premises which the Town Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.

No individual Town Councillor shall act as an individual on behalf of the Town Council. The Town Council may authorise a Committee, Sub Committee, Clerk or other Town Council Officer to act on behalf of the Town Council.

68. Admission of The Public and Press to Meetings

**The public and press shall be admitted to all meetings of the Town Council and its committees** and sub-committees except for the Staffing Committee, **which may, however, temporarily exclude** the public by means of the following resolutions: -

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

69. The Town Council shall state the special reason for exclusion.

70. At all meetings of the Town Council the Town Mayor may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

71. The Town Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Town Council.

72. If a member of the public interrupts the proceedings at any meeting, the Mayor/Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

73. Confidential Business

- a) No member of the Town Council or of any committee or sub-committee shall disclose to any person not a member of the Town Council any business declared to be confidential by the Town Council, the committee or the sub-

committee as the case may be.

- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Town Council by the Town Council.

74. Liaison with County Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the appropriate division or ward, and to the local MP, AM, & the Press.

- 75. Unless the Town Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

76. Planning Applications

The Clerk shall ensure that a record is kept of every planning application notified to the Town Council:-

- a) Stamped with the date it was received
- b) the name of the applicant
- c) the place to which it relates
- d) a summary of the nature of the application

77. Financial Matters

The Town Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- a) Such Regulations shall include detailed arrangements for the following:
  - (i) the accounting records and systems of internal control;
  - (ii) the assessment and management of risks faced by the Town Council;
  - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - (iv) the financial reporting requirements of members and local electors and
  - (v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £15,000.
- b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£15,000] shall be procured on the basis of a formal tender as summarised in (c) below.
- c) Any formal tender process shall comprise the following steps:
  - (i) a public notice of intention to place a contract to be placed in a local newspaper;
  - (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;

- (iii) tenders are to be sent, in a sealed marked envelope, to the Town Clerk by a stated date and time;
  - (iv) tenders submitted are to be opened, after the stated closing date and time, by the Town Clerk and at least one member of Town Council;
  - (v) tenders are then to be assessed and reported to the appropriate meeting of Town Council or Committee.
- d) The Town Council, or any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 61, 63 & 64 regarding improper activity.
- e) The Financial Regulations of the Town Council shall be subject to regular review, at least once every four years.

78. Code of Conduct on Complaints

The Town Council shall deal with complaints of maladministration allegedly committed by the Town Council or by any officer or member in such manner as adopted by the Town Council except for those complaints which should be properly directed to the Commission (Wales) for consideration.

79. Freedom of Information

The Town Council shall hold a Freedom of information policy on its website and deal with each request in line with the said policy.

80. Variation, Revocation and Suspension of Standing Orders

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

81. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Town Council.

82. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to him/her of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Town Council