

# Penllyn Community Council

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Minutes of an Ordinary Meeting of Penllyn Community Council held at  
Llansannor Community Hall, City at 7.00 p.m. on Monday  
4<sup>th</sup> November 2019

## **130) Standing Orders and Financial Regulations - Review**

The draft document circulated to Members, as amended by any comments made since by Members, is reproduced below:

### **“STANDING ORDERS AND FINANCIAL REGULATIONS”**

#### **RELATING TO THE PROCEEDINGS AND BUSINESS OF COUNCIL**

References below to “Member” shall be synonymous with “Councillor”.

#### **STANDING ORDERS**

#### **COUNCIL MEETINGS.**

1. (a) The “Ordinary” meeting of the Council shall be held on the first Monday in every month except August, to commence at 7.00pm, unless the Council otherwise decides.

(References below to “Council meeting” shall refer to the “Ordinary” meeting as above)

(b) The “Statutory” Annual Meeting (AM) shall be held on the first Monday in May to commence at 7pm, to be followed by the “Ordinary” meeting.

(References below to “Annual Meeting” shall refer to the “Statutory” meeting as above)

#### **CHAIR OF MEETING.**

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

#### **ORDER OF BUSINESS**

3. The Order of Business of Meetings shall include:-

- (a) To receive apologies for absence.
- (b) To receive declarations of interest under the Council's Code of Conduct.
- (c) To approve the Minutes of the previous meeting.
- (d) To consider matters, correspondence or communications which the Chair decides to be urgent.
- (e) To consider matters appertaining to Planning.
- (f) To note and consider any business remaining from any previous meeting.
- (g) To receive and consider reports and minutes of Committees or advisory committees of the Council.
- (h) To receive and deal with all communications to the Council or any committee or officers of the Council received since the previous meeting.
- (i) To receive and consider reports from officers and Members of the Council.
- (j) To receive and consider the statement of accounts and authorise payments.
- (k) To consider matters placed on the agenda by Members. Matters to be included must be received by the proper officer at least one clear day before the issue of the agenda.
- (l) A motion to vary the order of business on the ground of urgency may be proposed by the Chair, or by any member, and if proposed by the Chair, may be put to the vote without being seconded and shall be put to the vote without discussion.
- (m) To receive and consider Reports from the Ward County Councillors.

#### **PROPER OFFICER AND RESPONSIBLE FINANCE OFFICER.**

- 4. (a) The Clerk to be the proper and paid officer of the Council and will not be a member of the Council except in the absence of a Clerk a Member may act in that capacity.
- (b) The Council shall appoint a Responsible Finance Officer

#### **QUORUM.**

5. Four members shall constitute a quorum. If a quorum is not present when the Council meets, or if during a meeting the number of members present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.

#### **VOTING.**

6. Members shall vote by a show of hands, or, if at least two Members so request

by a secret ballot

7. If a Member so requires, 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, or abstained, provided that the request was made before the vote is taken.

8. In any case of equality of votes, the Chair may give a second or casting vote.

### **RULES OF DEBATE**

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

10. A resolution or amendment shall not be discussed after it has been proposed, seconded and put to the vote.

11. A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

12. No speech shall exceed 3 minutes, except by consent of the Chair.

13 (a) An amendment shall be either:-  
(i) To leave out words;  
(ii) To leave out words and insert or add others;  
(iii) To insert or add words.

(b) An amendment shall not have the effect of negating the motion before the Council.

(c) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved

(e) The mover of a resolution or of an amendment shall have a right of reply provided that the formal proposition or amendment has not been moved.

(f) A Member, other than the mover of a resolution, shall not, without leave of the Council speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.

(g) A Member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard forthwith.

(h) A motion or amendment may be withdrawn by the proposer with the majority 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.

(i) 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 shall not be further heard;
- (vi) That a Member named do leave the meeting;
- (vii) That the resolution be referred to a committee;
- (viii) To exclude the public or the press or both;
- (ix) To adjourn the meeting.

14. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.

15. Members shall address the Chair.

16. At the end of any speech a Member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such a motion is seconded and if the Chair is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

#### **RIGHT OF REPLY.**

17. 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

#### **RECISSION OF PREVIOUS RESOLUTION.**

18. A decision (whether affirmative or negative) of the Council shall not be reversed save by a special resolution, the written notice whereof bears the names of at least a quorum of Members of the Council.

#### **DISORDERLY CONDUCT.**

19. (a) No Member shall misconduct himself/herself at a meeting by persistently disregarding the ruling of the Chair by wilfully obstructing business, or by behaving 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 so misconducted himself, the Chair shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

(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.

### **CHAIRMAN'S EMERGENCY POWERS.**

20 The Council authorises the Chair or in his/her absence the Vice-Chair to call a meeting of the Council or of any of its committees in the event of any matter of urgency arising which by the nature of the matter cannot await the next meeting of the Council or committee.

### **PLANNING APPLICATIONS.**

21. The Clerk shall as soon as notice of an application is received inform Members of such, and the date by which a decision / observations if any are required to be forwarded to the planning authority.

22. Where a response is required prior to the next meeting of the Council, Members shall communicate their views to the Clerk and to the Chair. Based upon the observations received, delegated authority is granted to the Chair and or Vice Chair to decide, either on an appropriate response to the Planning Authority, or to convene a special meeting of the Planning Committee.

### **MEMBERS INTERESTS**

23. (a) The Council has adopted the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended) which sets out the conduct which is expected of Members. (Minute 112 November 2016 refers)

(b) Members shall at all times conduct themselves in accordance with the Code of Conduct as above.

(c) The Clerk shall maintain a Register of Members Interests in accordance with the Local Government Act 2000, to record particulars of any notice given by any Member or officer of the Council.

### **UNAUTHORISED ACTIVITIES**

24. No Member shall at any time comment or act on any matter in the name of the Council without the explicit authorisation of the Council.

Furthermore, a Member when commenting or acting with any third party clearly states that any views or comments are solely personal.

## **MEMBERS INSPECTION OF DOCUMENTS**

25. A Member may, for the purpose of his/her duty as a Councillor, inspect any document in possession of the Council and shall on request be supplied with or allowed to take a copy providing there is no infringement of a copyright and that confidentiality is maintained.

## **LIAISON WITH DISTRICT COUNCILLOR.**

26. A notice of Council meeting and minutes shall be sent together with an invitation to attend to the District Councillor / s.

## **ADMISSION OF PUBLIC AND PRESS TO MEETINGS.**

27. The public and press shall be admitted to all meetings of the Council (Ordinary and Annual) its committees and sub-committees which may, however, temporarily exclude the public or the press or both on grounds of confidentiality.

If a member of the public interrupts the proceedings at any meetings, the Chair may, after warning, order that he / she be removed from the Council meeting or that the public be cleared from the meeting.

## **CONFIDENTIAL BUSINESS.**

28. No Member shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-committee as the case may be.

## **ADJOURNMENTS.**

29. The Chair may adjourn meetings when members of the public are present, and invite the public and the members of the Council to express their views on specific matters of Community interest.

## **COMMITTEES**

30. Members of all committees, sub-committees, external committee representatives and Council appointments will be approved at the Annual Meeting of the Council (AM). A quorum for a Council committee or sub-committee will be three or one-third of the total membership, whichever is the greater. All preceding orders relating to voting, rules of debate, disorderly conduct, interests, admission of public and press, confidential business, adjournments, will apply to Council committees and sub-committees. All regulations applicable to Councils under the Local Government Act shall apply to committees and sub-committee.

**(a) Finance Committee** - The committee will consist of all Councillors who make it known that it is their wish to serve on this committee at the AM. The minimum membership will be four members. The committee shall review all financial matters relating to the Council and make recommendations.

**(b) Planning Committee** - The committee will consist of all Councillors who make it known that it is their wish to serve on this committee at the AM. The minimum membership will be four members. The committee will review planning applications as required and have plenary powers to decide whether to support or reject an

application. Their recommendations will be forwarded to the district council planning authority and reported to the next meeting of Council.

**(c) One Voice Wales** - The AM will appoint a Member to represent its interests, the Member to report back to Council on any relevant matters discussed.

**(d) Vale of Glamorgan Council Community Liaison Committee** - The AM will appoint a Member to represent its interests, normally the Council's Chair, the Member to report back to Council on any relevant matters discussed.

**(e) Llansannor Church in Wales Primary School Board of Governors** - The AM will appoint a representative to serve as a "Minor Authority" school governor in accordance with the Vale of Glamorgan Council's Governorship arrangements.

**(f) Other committees and sub-committees** - The Council will appoint Members to other committees / working groups as from time to time required, the deliberations of which to be reported back to the next meeting of Council.

### **DISTRIBUTION.**

31. A printed copy of these standing orders shall be provided by the Clerk to each Member.

### **VARIATION AND REVOCATION OF STANDING ORDERS.**

32. Standing orders shall only be amended or revoked by a meeting of Council.

### **MODEL STANDING ORDERS**

33. In the event of any matters arising not covered in this document then and only then shall reference be made to the Model Standing Orders current at that time as published by One Voice Wales.

### **FINANCIAL REGULATIONS**

#### **FINANCIAL REPORTS**

34. (a) The Responsible Finance Officer (RFO) shall report to each Council meeting a statement of receipts and payments made since the previous meeting.

(b) The RFO shall report to the Council meeting within three months of the end of the Financial Year, an annual statement of accounts.

#### **EXPENDITURE APPROVAL**

35. (a) All expenditure shall be approved at the monthly Council meeting.

(b) In emergency or special circumstances payments may be made before approval at the monthly meeting but only after consultation with the Chair and one other Councillor.

## **BUDGETARY CONTROL**

36. Council, at its July meeting, will consider a report comparing spend to date against that estimated.

## **ANNUAL BUDGET**

37. Council, at its January meeting, shall approve a balanced budget for the ensuing financial year.

## **BANK ACCOUNTS SIGNATORIES**

38. Cheques and any other payments shall be authorised by 2 no. signatories.

## **INSURANCES**

39. The Council shall maintain "all risks" insurance cover.

## **HEALTH & SAFETY**

40. (a) The Council's playground at the Wellfield, Trerhyngyll, shall be inspected annually by an approved inspector.

(b) Applicants requesting the use of Council land / equipment shall maintain "all risks" insurance cover and indemnify the Council against any damage accidental or otherwise arising.

41. (a) The Council shall seek at least three tenders from contractors specified by the Council, according to terms of contract prepared by the Council, in respect of all works in excess of £1000, such tenders may be by invitation.

(b) Contractors to provide evidence of their insurance cover"

**Resolved:** That the document as set out above be approved as the Council's Standing Orders & Financial Regulations.

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