



PENMAENMAWR TOWN COUNCIL STANDING ORDERS

**Adopted at PTC's AGM,
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INTRODUCTION

These standing orders are an adaptation of the National Association of Local Councils (NALC) model standing orders contained in "Local Councils Explained" by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

HOW TO USE THESE STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. These standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

These standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Penmaenmawr Town Council's financial regulations are contained within separate documents which can be found on the council's website.

NOTES

Standing orders that are in bold type contain legal and statutory requirements. Standing orders not in bold are designed to help Penmaenmawr Town Council operate effectively but they do not contain statutory requirements so they may be amended to suit the council's needs.

For convenience, the word "councillor" is used in these standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

1. RULES OF DEBATE AT MEETINGS

- a. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chair.
- b. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- c. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- d. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- e. 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.
- f. No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed three minutes except by consent of the Council.
- g. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- h. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- i. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- j. 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.
- k. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.

- l. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- m. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- n. A councillor may not move more than one amendment to an original or substantive motion.
- o. The mover of an amendment shall have right of reply at the end of debate on it.
- p. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- q. Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- r. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- s. A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.
- t. When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- u. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.
- v. Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair of the meeting.
- w. 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, the Chair shall put

the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

2. DISORDERLY CONDUCT AT MEETINGS

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair/vice Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chair/vice Chair of the meeting to moderate or improve their conduct, any councillor or the Chair/vice Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 2(b) is ignored, the Chair/vice Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- d. If a member reasonably believes another member is in breach of the Council’s own code of conduct, that member has the right to report the breach to the Public Services Ombudsman for Wales.

3. MEETINGS GENERALLY

Full Council meetings ●

Committee meetings ●

Sub-committee meetings ●

- a. ● **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. ● **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. A member may ask the Chair of the Council or the Clerk any question concerning the business of the Council, provided five clear days' notice of the question has been given to the person to whom it is addressed.
- d. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- e. Every question shall be put and answered without discussion.
- f. ● **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- g. ● ● **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.**
- h. ● ● If a person is resident within a ward of the Community Council and gives notice (specifying the matter on the agenda on which they wish to speak) to the Clerk's office by noon on the day before the meeting, then, subject to stating their name and address before the meeting, they may speak at Full Council meetings, as of right, on any matter on that agenda.
- i. ● ● The period of time designated for public participation at a meeting in accordance with standing order 3(e) will be set aside prior to each agenda item.

- j. ● ● Subject to standing order 3(f), a member of the public shall not speak once the Chair has indicated the close of that discussion.
- k. ● ● In accordance with standing order 3(e), a question may require a response at the meeting. Councillors will be permitted to ask questions but will not engage in debate.
- l. ● ● A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
- m. ● ● A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.
- n. ● ● Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- o. ● ● **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- p. ● ● **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.**
- q. ● ● **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- r. ● ● **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- s. ● ● ● **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- t. ● ● ● **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he gave an original vote.**

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

- u. ● **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.

- v. If a Councillor wishes for a vote to take place by private ballot and it is agreed to do so by Full Council, then the Responsible Officer shall administer the process. The recording of the result shall not identify any voting member.

- w. ● The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

- vi. if there was a public participation session; and
- vii. the resolutions made.

- x. ● ● ● **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/her right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.**

- y. ● **No business may be transacted at a meeting unless quorate. In no case shall the quorum of a meeting be less than seven.**
See standing order 4(d)(vi) for the quorum of a committee or sub-committee meeting.

- z. ● ● ● **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.

- aa. ● ● ● A meeting shall not exceed a period of 3 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a. The Council shall have three standing committees, namely Finance, Human Resources and Planning. Members of each standing committee shall be appointed by Full Council at the Annual General Meeting. Councillors can serve on one or more standing committee during the course of the year.

- b. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

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

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

- e. The Council may appoint standing committees or other committees as may be necessary, and:
- i. shall determine their terms of reference;
 - ii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - iv. may, subject to standing orders 4(b) and (c), 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 3 days before the meeting that they are unable to attend;
 - v. shall permit a committee to appoint its own Chair at the first meeting of the committee;
 - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - vii. 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;
 - viii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6.30pm.**
- d. In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- e. The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f. The Chair of the Council, unless 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.**
- g. The Vice-Chair of the Council if there is one, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the annual meeting until a new Chair of the Council has been elected. He/She may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

j. Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. Review of inventory of land and other assets including buildings and office equipment;

- xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xiv. Review of the Council's and/or staff subscriptions to other bodies;
- xv. Review of the Council's complaints procedure;
- xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- xvii. Review of the Council's policy for dealing with the press/media;
- xviii. Review of the Council's employment policies and procedures;
- xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
- xx. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

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

- d. If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

7. PREVIOUS RESOLUTIONS

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

8. VOTING ON APPOINTMENTS

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

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

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least

4 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c. The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

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

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

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

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

12. DRAFT MINUTES

- a. 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.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record

but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e. Subject to standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(s).

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

14. CODE OF CONDUCT COMPLAINTS

- a. Upon notification by the County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council’s code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- c. The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;

- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- iii. indemnify the councillor or non-councillor with voting rights in respect of his/her related legal costs and any such indemnity is subject to approval by a meeting of the Council.

15. PROPER OFFICER

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

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his/her withdrawal of it;

- iii. **convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;

See also standing order 23;

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

- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to each member within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

See also standing order 23.

16. RESPONSIBLE FINANCIAL OFFICER

- a. Where possible, the Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils in Wales – A Practitioners' Guide".
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Finance Committee in conjunction with the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. subject to standing orders 18(e) and (f) whether contracts with an estimated value below £1,000 or due to special circumstances are exempt from a tendering process or procurement exercise .
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose by the Finance Committee in conjunction with the Responsible Financial Officer.
- c. Any resolution and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the 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 Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance Committee shall report on the financial aspect of the matters.
- d. Orders for the payment of money shall be examined by the Finance Committee, authorised by resolution of the Council and signed by two members.
- e. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in any manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of the Finance Committee after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the Finance Committee and recommendations taken forward to the next Council meeting.
- f. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- g. The council shall approve written estimates for the coming financial year at its meeting before the end of the month of February.
- h. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which**

include advertising the contract opportunity on the Contracts Finder website and in OJEU.

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

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Human Resources Committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Human Resources Committee OR if he is not available the Vice Chair of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
- c. The Chair of Human Resources Committee together with the Chair of the Council shall undertake an annual performance review of the positions of Town Clerk and Responsible Financial Officer. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Human Resources Committee or in his/her absence, the vice-Chair of the Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by Committee resolution.

- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Chair or vice-Chair of Council or Human Resources Committee this shall be communicated to another member of the Human Resources Committee which shall be reported back and progressed by resolution of the Human Resources Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

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

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a. The Council may appoint a Data Protection Officer.**
- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**
- c. The Council shall have a written policy in place for responding to and managing a personal data breach.**

- d. **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e. **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f. **The Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

- a. 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.

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

24. COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCIL COUNCILLORS

- a. An invitation to attend a meeting of the Council may be sent, together with the agenda, to the ward councillor(s) of the County Council representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

- ii. issue orders, instructions or directions.

26. MAYORAL SUCCESSION ELECTION

- a. The Chair of Penmaenmawr Town Council (herein referred to as the Mayor) shall serve no more than one full term in office.
- b. The Vice Chair (if there is one, and herein referred to as the Deputy Mayor) shall serve no more than one full term in office.
- c. In exceptional circumstances, a position's incumbent may serve for another full term or part thereof. The definition of an exceptional circumstance has to be resolved in the last meeting of the Full Council prior to the Council's annual general meeting.
- d. If elected, the Deputy Mayor may serve as the Mayor in the term directly following their Deputy Mayorship.
- e. The outgoing Mayor may not hold the position of Mayor nor Deputy Mayor for a period no shorter than two full terms.
- f. The outgoing Deputy Mayor may not hold the position of Deputy Mayor for a period no shorter than two full terms.
- g. All candidates for the position of Mayor and Deputy Mayor must submit their proposed and seconded candidacies to the Council's Proper Officer at least 14 days prior to the ordinary general meeting.
- h. At the General Meeting, the position of Deputy Mayor shall only be filled once a Mayor has been elected to serve for the full term.
- i. A full term is defined as the period between one ordinary general meeting and the next ordinary general meeting.
- j. All voting for the positions of Mayor or Deputy Mayor shall be conducted by secret ballot.

27. STANDING ORDERS GENERALLY

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.