

# MONMOUTH TOWN COUNCIL

# Standing Orders

Reviewed 09.05.22

## INTRODUCTION

- 1.1 These ‘Standing Orders’ provide the framework under which meetings of the Council are held. They are based on the model Standing Orders 2018 (Wales) produced by the National Association of Local Councils and issued in August 2019. These Standing Orders were approved at the meeting of the Council on 26.04.21. Some of the content is required by law, this being indicated by the use of **bold**.
- 1.2 The Officers and agents of the Council must act as the Council’s executive and carry out its decisions / instructions. The Council’s instructions are conveyed by resolutions passed at meetings.
- 1.3 These Standing Orders will normally be fully reviewed and submitted for approval annually. The maximum allowed period between reviews is 18 months. Changes may be made in between routine reviews by approving amendments or addenda. Details of these must be recorded in the Revision History at the commencement of the document.
- 1.4 The Town Clerk will issue a copy of these Standing Orders to all Councillors and may issue them to potential candidates for staff and Councillors.
- 1.5 Preferred dress code for all meetings is smart casual.
- 1.6 Where these orders indicate notice in writing, this can be by email with members’ prior agreement.
- 1.7 Full Council and Committee meetings are only recorded with the consent of the Council, and subject to Monmouth Town Council’s Policy on Recording of Meetings.
- 1.8 The Chairperson of a Town Council is entitled to use the title “Town Mayor” if decided by the Town Council they shall be so addressed. Titles confer no additional powers on the Chairperson, and in particular has no implications for his/her conduct at meetings.
- 1.9 Whenever in these Standing Orders words are used in the masculine, feminine or neutral gender, they shall be read and construed as in the masculine, feminine or neutral gender, whenever they should so apply.

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# 1 Rules of debate at meetings

- a Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairperson of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chairperson of the meeting as withdrawn.
- d 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.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairperson of the meeting, is expressed in writing to the Chairperson.
- h A councillor may move an amendment to his 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.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting.
- k One or more amendments may be discussed together if the Chairperson of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chairperson 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. in exercise of a right of reply.
- p During the debate of an item, 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.
- q A point of order shall be decided by the Chairperson of the meeting and his decision shall be final.
- r 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 requirements.
- s Before an original or substantive motion is put to the vote, the Chairperson 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 right of reply.
- t Excluding motions moved understanding order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chairperson of the meeting.

## 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 Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.

- b If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any councillor or the Chairperson of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Chairperson of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3 Full Council, Committee and 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 **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**
- d **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.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda by giving notice to the chairperson or deputy chairperson of that meeting in writing no later than the working day before the meeting when BT conferencing is used for hosting the meeting, otherwise not less than 15 minutes in advance of the meeting.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 10 minutes unless directed by the Chairperson of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 10 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given.
- i At a Full Council meeting a person shall raise their hand when requesting to speak and stand if they so wish when speaking.

- j A person who speaks at a meeting shall direct his comments to the Chairperson of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.
- l **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- m **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** in accordance with Public Bodies (Admission to Meetings) Act 1960. For reasons of security and fairness any press person will be required to provide the council with full and satisfactory written evidence of their bona fide press status prior to any meeting.
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in his/her absence be done by, to or before the Vice-Chairperson of the Council (if any).**
- o **The Chairperson, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
- q **The Chairperson of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- r **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 vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- s 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 present and absent.
  - iii. interests that have been declared by Councillors;
  - iv. whether a councillor left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- t **A councillor who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the council.**

- u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three. A quorum of the Council meeting as a whole shall be six.**
- v **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.
- w A meeting shall not continue past 9pm and shall not exceed a period of three hours.
- x Apologies for absence from Councillors unable to attend meetings shall be submitted to the office. Answerphone messages will be acceptable. Reasons for absence must be given.

y Questions

A member may ask the Mayor, the chairperson of Council Committees or the Clerk any question concerning the business of the Council, provided notice is submitted to The Clerk in writing two working days prior to the meeting, and the response will be printed within the minutes of the meeting.

A member shall only ask one question per meeting concerning the functioning of the office and shall not repeat the same question in any of the three subsequent meetings.

Every question shall be put and answered without discussion.

Answers to verbal questions put to the Mayor, Chairperson of committees or the Town Clerk may be deferred until no later than the next meeting of that committee or sub-committee.

No supplementary questions will be allowed.

- z Before any presentation is made to the Council or a committee of the Council from a person who is not a member of the Council the Chairperson shall first accept apologies for absence and any declarations of interest. He/she will invite a proposal to suspend standing orders before the presentation is made and re-instate them at the conclusion of the presentation.

## 4 Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;

- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
- v. shall permit a committee other than a standing committee, to appoint its own Chairperson 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 shall be no less than three;
- vii. shall determine if the public may participate at a meeting of a committee;
- viii. 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;
- ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- x. may dissolve a committee.
- xii. The Council may at its Annual Town Council Meeting appoint standing committees and may at any other time appoint such other committees or advisory committees as are necessary, but subject to any statutory provision on that behalf: -
- xiii. Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- xiv. May appoint persons other than members of the Council to any Committee in a non-voting capacity, apart from the Finance and Policy committee.
- xv. May, subject to 12.1 and 12.2 above, at any time dissolve or alter the membership.
- xvi. Committees will be appointed in accordance with the terms of reference for standing committees at the appendix.
- xvii. All committees will be subordinate to the Full Council and will act within clear terms of reference and delegated authority and budgets set by Full Council.
- xviii. The democratic scrutiny and overall responsibility for all committees rests with the Full council notwithstanding the legal obligations of the position of Town Clerk.
- xix. The Town Mayor and Deputy Town Mayor shall be Chairperson and Deputy Chairperson of the full Council, but will thereafter hold the same rights as other Councilors in committee selection and participation
- xx. Every committee shall at its first meeting before proceeding to any other business, elect a Chairperson and may elect a Deputy Chairperson who shall hold office until the next Annual Meeting of the Council, and shall settle its proposed meeting dates for the year as soon as is practicable.
- xxi. The Mayor and all Chairmen of Council Committees will keep their deputies fully informed of their actions at all times.
- xxii. Every committee may appoint sub-committees or working groups for purposes to be specified by the committee. The Chairperson and Deputy Chairperson of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- xxiii. An advisory committee may make recommendations and give notice thereof to the Council. An advisory committee may consist wholly of persons who are not members of the Council.
- xxiv. Except where the Council has resolved otherwise and has indicated so in a written constitution / terms of reference, the requirements of these Standing Orders and the Financial Standing Orders and all adopted policies of the Council apply equally to Council committees, sub-committees and advisory committees. The Town Clerk shall inform the members of each advisory committee of the constitution / terms of reference.
- xxv. All Council Members can attend meetings of all committees.
- xxvi. Chairs of Committees and Sub Committees shall in the case of an equality of votes have a second or casting vote.

## 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 new Councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c If no other time is fixed, the annual meeting of the council shall take place at 6pm.
- 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 may direct.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairperson and Vice-Chairperson (if any) of the Council.
- f The Chairperson of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Vice-Chairperson of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the council.
- h In an election year, if the current Chairperson of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairperson of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chairperson of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairperson of the Council and Vice-Chairperson (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. In an election year, delivery by the Chairperson 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 Chairperson of the Council of his 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. Define the quorum of each committee;
- ix. Determine the frequency of meetings;
- x. Determine a calendar of meetings;
- xi. Appointment of any new committees in accordance with standing order 4 above;
- xii. Review and adoption of appropriate standing orders and financial regulations;
- xiii. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xiv. Review of representation on or work with external bodies and arrangements for reporting back;
- xv. Review of inventory of land and assets including buildings and office equipment;
- xvi. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xvii. Review of the council's and/or staff subscriptions to other bodies;
- xviii. Review of the council's complaints procedure;
- xix. Review of the council's procedures for handling requests made under the Freedom of Information and Data Protection legislation
- xx. Review of the council's policy for dealing with the press/media; and
- xxi. Determining the time and place of ordinary meetings of the full council and standing committees up to and including the next annual meeting of full council.

K In every year, normally in September or October but not later than the meeting at which the estimates for the next year are settled the Finance and Policy Committee shall review the pay and conditions of service of existing employees. The review must be considered at the next Full Council meeting.

## 6 Extraordinary meetings of the council and committees and sub-committees

- a **The Chairperson of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairperson of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**
- c The Chairperson of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d Unless extraordinary mitigating factors exist, an Extraordinary Meeting should not take precedence over a normal scheduled meeting.
- e If the Chairperson of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within five days of having been requested by to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a 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 four Councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to Standing Order 7(a) above has been disposed of, no similar motion may be moved within 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 Chairperson 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 which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- 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 six 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) above, 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) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least six 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 Chairperson 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 Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

## 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 sensitive 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 requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## 11 Handling confidential or sensitive information

- 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 or prior to the issuing of 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) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairperson 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 Chairperson 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 view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 13 Code of conduct and dispensations

*See also standing order 3(t) above.*

- a **Councillors and non-Councillors with voting rights shall observe the code of conduct and policies adopted by the council.**
- b **All councillors must attend at least one committee meeting every six months unless granted consent for absence from Full Council.**
- c All Councillors shall be issued with a copy of the Code of Conduct and policies and encouraged to undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
- d **Dispensation requests shall be in writing and submitted to the standards committee of Monmouthshire County** as soon as possible before the meeting that the dispensation is required for.

## 14 Code of conduct complaints

- a Upon notification by the Public Services Ombudsman for Wales 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 Chairman of Council of this fact, and the Chairman 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 progress an investigation of the complaint or is required by law;
  - 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 related legal costs and any such indemnity is subject to approval by a meeting of the full 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** or if the Council resolves to do so and each member has confirmed same in writing, by electronic delivery **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 ( ) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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 the Chair or in their absence Vice-Chair (if there is one) of the Planning Committee 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 Planning committee;
- 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 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 committee the most up to date information regarding:
  - i. the council's receipts and payments for each quarter;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reportedand 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 committee with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

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

## 18 Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- d 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 a local newspaper and in any other manner appropriately
  - 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 at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract or £663,540 for a social and other specific services 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.**
- g **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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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 council OR Finance & Policy Committee is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairperson of Finance & Policy Committee or, if he is not available, the vice-Chairperson of the Finance & Policy Committee of absence occasioned by illness or other reason and that person shall report such absence to the Finance & Policy Committee at its next meeting.
- c The Chairperson of the Finance & Policy Committee or in his absence, the vice-Chairperson shall conduct a review of the performance and annual appraisal of the work of the Town Clerk. The Chairperson shall report annually to the Finance & Policy Committee that a review has taken place and whether the review was satisfactory or not.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the Chairperson of Finance & Policy Committee or in his absence, the vice-Chairperson in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chairperson or vice-Chairperson of the Finance & Policy Committee, this shall be communicated to another member of the committee.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Town Clerk and/or the Chairperson of the Council or the Chairperson of the Finance & Policy Committee.

- J These Standing Orders will be amended/modified in accordance with changes to the contents of the Green Book.

## **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 their 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) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 23(a) above, any two Councillors may sign, on behalf of the council, any deed

required by law and the Proper Officer shall witness their signatures.

## 24. Communicating with District and County or Unitary Councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council [County Borough] OR [County Council] representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the County Council shall be sent to the ward councillor(s) representing the area of the council.

## 25. Restrictions on councillor activities

Unless authorised by a resolution, no councillor shall issue orders, instructions or directions and will direct all communication through the relevant Chairperson. All Councillors will act in the best interest of the Council at all times.

## 26. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- c The decision of the Chairperson of a meeting as to the application of standing orders at the meeting shall be final.

### Monmouth Town Council Standing Orders

#### Revision History

Version No	Revision Date	Revised by	Reason
1	5.12.16min 15&16	Full Council  (18v and 18c rec. by F&P 7/11/16 min 9	18v and 18c value of contract/tender to £25,000 in line with Financial regs  3w a meeting shall not start before 6pm  3z order of agenda items allowing presentations

2	27.2.17min12	Full Council (rec. by F&P 13/2/17 min11)	4xiii Clarification of rights of non-committee members to vote at a committee meeting to agree with meaning of Appendix A8
3	01.10.2018	Full Council	Full review
4	05.08.2019	Full Council	Addition of 6.d. Clarification of impact of Extraordinary Meetings on scheduled meetings
5	16.09.2019	Full Council	Amendment of 3.m. to include relevant Act of Law
6	27.1.2020	Full Council (from F&P 13/1/2020 review recs)	Full review including NALC Model SO 2018 (Wales)
7	11.09.2020	Annual FC Meeting	Amendment to 13b as per legislation
8	14.12.2020	Full Council (minute no. 140)	3 e public participation at meetings 3 u specify quorum of Council 3 w length of meetings 3 x apologies - reasons for absence 4 d.v. delete – Council to appoint committee chairs 5 j add viii, ix & x council to determine quorum of committees, agree frequency and calendar of meetings 5 j xxi council to determine time and place of standing committees 15 b i. provision for electronic agendas
9	22.03.21	Full Council (minute no. 208 e))	1 e public participation at meetings 2 3 s iii) & iv) remove 'and those councillors with non voting rights'
10	26.04.21	Full Council	27 scheme of delegation to committees (remove) 3 w length of meetings (revert to a maximum of 3 hrs)
11	08.07.22	Full Council 04.07.22	18 Financial Controls and Procedures (f. and g. updated with revised amounts)