

Darran Valley Community Council Standing Orders

How to use these Standing Orders

Standing orders are the written rules of Darran Valley Community Council. They are used to confirm the Council's internal organisational, administrative and procurement procedures and procedural matters for meetings.

Meetings of full Council, Councillors, and Proper Officer are subject to many statutory requirements. Darran Valley Community Council has standing orders to confirm those statutory requirements and has standing orders to control the number, place, quorum, notices and other procedures for Council.

Rules of Debate at Meetings

1. 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.
2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
5. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
6. 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.
7. 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.
8. 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.
9. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting. 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.
10. A councillor may not move more than one amendment to an original or substantive motion.
11. The mover of an amendment has no right of reply at the end of debate on it.
12. 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.
13. Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - to speak on an amendment moved by another councillor;
 - to move or speak on another amendment if the motion has been amended since he last spoke;
 - to make a point of order;
 - to give a personal explanation; or

- in exercise of a right of reply.

14. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

15. A point of order shall be decided by the Chair of the meeting and his decision shall be final.

16. When a motion is under debate, no other motion shall be moved except:

- to amend the motion;
- to proceed to the next business;
- to adjourn the debate;
- to put the motion to a vote;
- to ask a person to be no longer heard or to leave the meeting;
- to exclude the public and press;
- to adjourn the meeting; or
- to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

17. 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 right of reply.

18. Excluding motions moved under standing order 1 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chair of the meeting.

Disorderly Conduct at Meetings

1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
2. If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair 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.
3. If a resolution made under standing order 2 is ignored, the 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.

Meetings Generally

1. Meetings of the Council shall be held at Parc Cwm Darran Visitors Centre, Deri, Bargoed at 6.30pm unless the Council otherwise decides at a previous meeting. Council 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. Meetings shall terminate not later than 8.30 pm, unless by resolution this standing order is suspended. Any matters not considered shall be adjourned to the beginning of the next meeting.
2. The minimum three clear days for notice of a Council meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
3. Council and Committee meetings shall be open to the public and press 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 and press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion. Members of the public may only make representations, answer questions and give evidence at a meeting where agreement has been granted by the Chair.
4. A person shall raise his hand when requesting to speak.
5. A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
6. 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.
7. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means permitted. The public are required to ensure that members of the public and particularly children are not photographed whether in cinematographic format or single photographs. Broadcast companies are requested to consult with the Council to ensure that reasonable facilities are available.
8. The press shall be provided with reasonable facilities for the taking of their report of all or part of a Council or Committee meeting at which they are entitled to be present.
9. The Chair, if present, shall preside at a Council meeting. If the Chair is absent from a meeting, the Vice-Chair, 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.
10. Subject to a Council or Committee meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.

11. 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 casting vote whether or not he gave an original vote.
12. 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.
13. The minutes of a meeting shall include an accurate record of the following:
 - the time and place of the meeting;
 - the names of councillors present and absent;
 - interests that have been declared by councillors with voting rights;
 - whether a councillor with voting rights left the meeting when matters that they held interests in were being considered; and
 - the resolutions made.
14. A councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
15. No business may be transacted at a Council 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.
16. If a Council or Committee meeting is or becomes inquorate then 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.
17. A meeting shall not exceed a period of two hours.

Committees and Sub-committees

1. All members of the Community Council make up the Standing Committees.
2. The Council may at the Annual General Meeting appoint Standing Committees and may at any time appoint other Committees as are necessary, but subject to any statutory provision in that behalf
 - shall not appoint any member of a Committee so as to hold office later than the next annual meeting, and
 - may at any time dissolve or alter the membership of the Committee.
3. All meetings shall be public meetings 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 and press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

Ordinary Council Meetings

1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
2. 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 may direct.
3. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs. Council traditionally meets on the first Thursday of each month, excluding August. Amendment to the January date may be necessary to align with bank holidays.
4. The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.
5. The Chair 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.
6. The Vice-Chair of the Council, if any, unless he 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.
7. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the 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 must give a casting vote in the case of an equality of votes.
8. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.
9. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the business of the annual meeting shall include.
 - 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 acceptance of office form unless the Council resolves for this to be done at a later date;
10. To appoint representatives to various committees as directed by Council
11. Review of inventory of assets including buildings and office equipment
12. Confirmation of arrangements for insurance cover in respect of all insured risks

13. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council
14. To agree and confirm the appointment of Council's Internal Auditor
15. To receive Council's Financial Position (Year ending and budget forecast)
16. To agree and confirm Council's cheque signatories
17. To appoint to vacant Governor positions as appropriate

Extraordinary Meetings of the Council and Committees and Sub-committees

1. The Chair of the Council may convene an extraordinary meeting of the Council at any time.
2. If the Chair 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 and coordinated via the Clerk to Council.

Voting on Appointments

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

Motions for a Meeting that Require Written Notice to be Given to the Proper Officer

1. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents. 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 five clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
2. If the Proper Officer considers the wording of a motion received 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 three clear days before the meeting.
3. 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.
4. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

Motions at a Meeting that do not Require Written Notice

The following motions may be moved at a meeting without written notice to the Proper Officer;

1. to correct an inaccuracy in the draft minutes of a meeting;
2. to move to a vote;
3. to defer consideration of a motion;
4. to appoint a person to preside at a meeting;
5. to change the order of business on the agenda;
6. to proceed to the next business on the agenda;
7. to require a written report;
8. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
9. to not hear further from a councillor;
10. to exclude a councillor or member of the public for disorderly conduct;
11. to temporarily suspend the meeting;

12.to suspend a particular standing order (unless it reflects mandatory statutory requirements);

13.to adjourn the meeting; or

14.to close a meeting.

Handling Confidential or Sensitive Information

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

Draft Minutes

1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy or matters arising. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with above-mentioned standing orders.
3. 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.
4. 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 (Council or ‘.....’ Committee) 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.”

Code of Conduct and Dispensations

1. All councillors with voting rights shall observe the code of conduct adopted by the Council.
2. Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. The Councillor may however, where the meeting is a meeting to which the public are permitted to attend and that the public have not been excluded by Standing Order 3(b), sit within the area set aside for the public to attend the meeting and he may answer questions from members attending the meeting on matters of fact. He may return to the meeting as a member after it has considered the matter in which he had the interest. The Councillor shall not vote on any matter for which he has a disclosable pecuniary interest unless he has been granted a dispensation.
3. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
4. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, which the dispensation is required and that decision is final.
5. A dispensation request shall confirm:
 - the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - an explanation as to why the dispensation is sought.
 - dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required].

A dispensation may be granted, if having regard to all relevant circumstances the following applies:

- without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or
- granting the dispensation is in the interests of persons living in the Council's area or
- it is otherwise appropriate to grant a dispensation.

Code of Conduct Complaints

1. Upon notification by Caerphilly County Borough Council that it is dealing with a complaint that a councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, report this to the Council.
2. Where the notification 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 and the Council has agreed what action, if any, to take.
3. The Council may:
 - provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law.
 - seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

Upon notification by Caerphilly County Borough Council that a councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take. Such action excludes disqualification or suspension from Office.

Proper Officer

1. The Proper Officer shall be (i) the Community Council Clerk or (ii) other staff member nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
2. The Proper Officer shall:
 - at least three clear days before a meeting of the Council, serve on councillors a summons, by letter, confirming the time, place and the agenda; and
 - give public notice of the time, place and agenda at least three clear days before a meeting of the Council. This should be completed electronically through the Community Council website.
 - **receive and retain copies of byelaws as appropriate.**
 - retain acceptance of office forms from councilors.
 - retain a copy of every councillor's register of interests.
 - assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same.
 - receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form.
 - arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council.
 - record every planning application notified to the Council and the Council's response to the local planning authority in the appropriate meeting minutes.

Accounts and Accounting Statements

1. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and financial regulations.
2. The Proper Officer shall supply to each councillor as soon as practicable after 30th June, 30th September and 31st December in each year a statement to summarise:
 - Council's receipts and payments for each quarter;
 - Council's aggregate receipts and payments for the year to date; and
 - 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.
3. As soon as possible after the financial year end at 31 March, the Proper Officer shall

Provide each councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information;

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 31st March. 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.

Financial Controls and Procurement

1. Council shall keep accounting records and systems of internal controls. This shall include a payment schedule being included with the minutes of each Council meeting and a dedicated minute highlighting the aggregated amount of payments agreed.
2. Council shall work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor. Council will receive an annual report from its independent internal auditor.
3. 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 £5,000 shall be procured on the basis of a formal tender. The tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - a specification for the goods, materials, services or the execution of works shall be drawn up;
 - 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;
 - the invitation to tender shall be advertised as appropriate.
 - tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - 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;
 - tenders are to be reported to and considered by the appropriate meeting of the Council.
 - Council is not bound to accept the lowest value tender, but are responsible for obtaining value for money at all times.

Requests for Information

1. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under GDPR 2018, Freedom of Information Act 2000 and the Data Protection Act 1998.
2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Finance and General Purposes Committee and copies to the Chair of the Council. The said committee shall have the power to do anything to facilitate compliance with GDPR and the Freedom of Information Act 2000.

Relations with the Press/Media

1. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled by the Chair or the Proper Officer of Council.

Standing Orders Generally

1. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
2. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer.