CYNGOR CYMUNED TROEDYRAUR COMMUNITY COUNCIL

LOCAL COUNCILS – MEETINGS PROCEDURE

1.0 The Office of the Chairperson

a. Every council at its annual meeting must elect a chairperson.
b. The chairperson, if present at a council meeting, must preside. Once elected, they remain as chairperson until their successor is appointed even if this means that they serve over the twelve months. In an election year, even though the chairperson is not re-elected to the incoming council, they remain chairperson until their successor is elected.
c. A council may but is not required to have, a vice chairperson, who holds office until after the appointment of the succeeding chairperson. In the absence of both chair and vice chairpersons the council must elect a person to preside over that particular meeting.
d. The person actually presiding at a council meeting in the absence of the chairperson and vice chairperson has all the powers and duties of the chairperson while the meeting lasts.
e. To preside over a meeting means, to control the conduct of the meeting but only in accordance with the law and the council's Standing Orders. In particular a chairperson must give reasonable opportunity to all members who wish to be heard, allow proper discussion of the subject matter and act impartially.
f. A ruling by the chairperson cannot be challenged in the council meeting unless a majority of the council vote against them. Any ruling or other action, even if accepted by the council, can be challenged but only after the event through the Courts.
g. The office of chairperson carries no other rights. In particular a chairperson does not have the right nor can the council them power, to reach decisions or take action on behalf of the council. Their authority is limited to matters of procedure and neither increases nor decreases their rights as a member to speak and vote on the merits of a particular case. A chairperson must always, however, balance their enthusiasm on any particular issue with their duty to appear to be and in fact to be, impartial.
h. Two particular powers are given to the chairperson by the Local Government Act, 1972 which they are entitled but not required to use:
    - A casting vote where there is an equality of voting on any issue.
    - This gives the chairperson a second vote; they are entitled to use their first vote (as a member of the council) as they think fit even if this produces a tie in the voting which they then break by use of the casting vote. There is no rule of law nor general precedent which determines how the chairperson should use either their original or casting vote – although good sense suggests that a chairman should emphasise their impartiality by ensuring that a borderline issue comes up again for further consideration.
i. The chairperson of committees and sub committees are also entitle to a casting vote, following the same rules, the power to call a meeting of the council at any time.



1.1 The Office of the Clerk

a. A council needs to appoint an officer responsible for financial matters and a 'proper officer' to carry out certain duties.

b. Any officer is an employee of the council; they are responsible to the council and not to the chairperson or any particular group of members. They must carry out all instructions of the council which are within their terms of employment and not contrary to law but cannot be ordered to perform an unlawful act. For example, if they are instructed to make an illegal payment or to call a council meeting without proper notice, it is their duty to draw the attention of the council to any proposed action which they consider unlawful

Calling the meeting

Every local council must hold an annual meeting. All councils may hold as many additional meetings as they wish.

a. Meetings will be held on the first Tuesday of every month at 7.30 p.m. at Coedybryn, Rhydlewis and Ffostrasol village halls respectively unless agreed otherwise by the Council.
b. Meetings are normally convened by the clerk, there are three exceptions:
    i. where there is a casual vacany in the office of chairperson the clerk must under the Local Government Act 1972 convene a special meeting;
    ii. the chairperson may convene a special meeting;
    iii. any two members may convene a special meeting if the chairperson refuses their request.

Iv Notices: A public notice must be put in some conspicuous place in the area 7 days prior. If, however, the day of the meeting changes to e.g. Wednesday then notices should be in place by the previous Thursday.

A summons of the meeting signed by the clerk must also be delivered to or posted to every member of the council as above. The summons must specify the business which it is proposed to transact in such a way that members can identify the matters they will be expected to discuss.

1.2 Drawing up the agenda

a. This is usually prepared by the clerk in conjunction with the chairperson who between them have practical but not control over the contents.
b. Items required by law must be included.
c. All other items must be adequately described.
d. 'Any other business' is not acceptable as it gives no indication of what might arise.
e. There is no category of 'urgent business' which is exempt from this rule. Matters which merely arrive too late for inclusion on the agenda must wait for the next meeting. If a decision genuinely must be taken before the next meeting a special meeting must be held.
f. Where an item is omitted from or inadequately described in the agenda, the council may if they wish, discuss it, but may not make a decision, even to refer it to a committee.
g. A member has the right to raise in council any matter which is not unlawful.
h. All items to be placed on the agenda should be examined to see whether the council has legal powers and to consider the financial implications so that, if necessary, professional advice can be taken.

1.3 Standing Order and the conduct of the meeting – Statutory Requirements Local Government Act 1972

a. Dates of meetings - The Act lays down formula to determine when the statutory Annual and any additional meetings are to be held.
b. Chairperson – The member actually presiding at a meeting has all the powers and duties of the Chairperson.
c. Quorum – 4 Members to include the Chairperson (The quorum is one-third of the whole number of the council,- 11 seats - the quorum does not change because of vacant seats, and secondly, that one-third is prescriptive not a minimum and the council may not fix a higher proportion.)
d. Absence for 6 consecutive meetings will result in automatic disqualification. Consideration will be given to long term sickness.

1.4 Voting

a. Voting is to be by show of hands.
b. On the request of a single member, the clerk must record how members voted on a particular matter.
c. Chairperson's casting vote. On a vote for the election of a new chairperson the person presiding must give a casting vote to break a tie. If the person presiding is not a member of the incoming council, then they only have a casting vote and no original vote.

1.5 Order of Business

a. At every annual meeting the first business must be to elect a chairperson. Since the chairperson cannot act as such until they have accepted the position, the second business must be to receive the declaration of acceptance of office.
b. In an election year the council must fill by co-option any vacancies.
c. At any meeting where neither the chairperson nor vice chairpersons are present the first business is to appoint a chairperson for the meeting.
Normally declarations of acceptance of office are made at the first meeting of the new council or when a new member first attends. The council may agree to receive declaration at a later, specified date but neither a chairperson nor a member may act as such until the declaration has been made.

1.6 Minutes

a. The Act requires the chairperson to approve the minutes 'as a correct record' and discussion on this item should be limited strictly to consideration whether the minutes accurately represent what took place at the previous meeting.
b. 'Matters arising from the minutes' should be a separate item and specified on the agenda.
c. The minutes to be approved are the minutes of the immediately preceding meeting. Thus the minutes of any meeting, whether annual, special or ordinary must be submitted to the next meeting of the council.
d. Statutory business: to deal with any matters which the law requires to be dealt with.
e. The public are, by law, entitled to attend all meetings of the council and its committees unless the council (or committee) pass a resolution to exclude the public from all meetings or even a particular meeting. They may only pass the resolution if, after, consideration, they consider that discussion of a particular

item should, in the public interest, take place in private. It is the public interest which is to be considered, not the reputation of the council or the private concerns of members.

f. A member of the public who wishes to address the council on a non-agenda item must submit a written request outlining the points to be discussed to the council to be discussed at the next available meeting for consideration by the council. If approved the item will be placed on the following month's agenda.

g. A member of the public who wishes to address the council on an agenda item must adhere to the following conditions:
   - One nominated representative to address for or against a motion
   - Each representative may not discuss for more than 5 minutes on a single agenda item
   - The chairperson has the right to stop any discussion

h. If a member of the public wishes translation facilities, this needs to be advised to the clerk at least 5 days before the date of the meeting.

1.7 Items for confidential discussion

a. Items which genuinely justify confidential discussion are rare but include disciplinary proceedings, negotiation of contracts, legal advice in contentious matters. Even where the discussion is properly confidential it does not automatically follow that the decision is. If the council dismiss an officer, that fact though not necessarily the reasons should be made public. Once a contract has been negotiated the name of the successful contractor should be released although the terms of the contract could still be commercially sensitive.

b. In any case it is essential that the proceedings are minuted. If the matter remains confidential then all background papers should be retained in a confidential file. Unlike principal councils there is no duty to disclose reports or background documents unless these are specifically incorporated in the minutes.

1.8 The Press

The Act requires that the press have reasonable facilities for taking reports. They attend meetings, however, only in their capacity as members of the public. They have no separate right to attend and must leave if the public are excluded.

2 Standing Orders and the conduct of the meeting Custom Practice

a. Notice of Motion. All matters of consequences which are to be put forward for decision by council must come forward as separate items on the council agenda. Business to be transacted at a meeting must be specified in a way that those receiving the agenda can identify the matters which will be expected to discuss.

b. Any member is entitled to bring a matter forward for discussion at the council meeting by moving a resolution provided that it is neither clearly unlawful nor defamatory. Written notice must be given for an item to be included on the agenda. When this is given neither the chairperson nor the clerk is entitled to refuse to place it on the agenda.

c. Rules of Debate: Where a proposal has been moved and there are a number of amendments, each amendment must be voted on in the order in which it was proposed: if unsuccessful the original proposal altered if appropriate, must then be put to the vote.

d. Once a matter has been put to the vote and a decision reached the council cannot, during that meeting, have a further debate or alter that decision. If the decision affects the interests of a third party e.g. the award of a contract, the council's decision can only be altered with the agreement of the third party. Subject to those two qualifications a council may at any time rescind or alter a decision. A decision cannot be further debated for six months.

2.2 Filling a Vacancy

Where more than two persons are nominated for a position to be filled by the council (e.g. as a representative on another body) the successful person must have an absolute majority votes. Four votes for A, three votes for B, two votes for C and one vote for D does not mean A is elected. The person with the least number of votes must be struck off the list and a fresh vote taken between the remaining candidates until a final vote between the last two candidates.

2.2 To raise a 'point of order'

To raise a 'point or order' is probably the most widely used (and abused) method of interrupting council proceeding. It can only be properly used to draw attention to a breach or potential breach of a S.O. The member should be required to stated specifically the S.O. concerned and must not be allowed to make a speech. If is for the chairperson to rule whether a point of order is valid and the action is taken.

2.3 Discussion should not be allowed and the chairperson's ruling is final.

2.4 Conduct

1. Conduct.

The chairperson has the right and the duty to control proceedings and their rulings must be respected. Members of the public who refuse to comply can be removed on the order of the chairperson, although, if possible they should seek the support of the council Members who by their misconduct obstruct the business of the council may be silenced or removed on the initiative of the chairperson but only with the approval of the council. If all else fails the chairperson may, on their own account, suspend or adjourn the meeting. If they do this they must announce when and where the meeting will resume.

2.5 Breach of the law and of custom

a. Any serious breach of the statutory provisions e.g. failure to give three days notice or where there is not a quorum, makes the meeting void and its decisions of no effect. Anyone acting on those invalid decisions does so without authority and incurs personal liability for any loss to public funds.

b. A serious breach can be considered as one which comprises the democratic process (such as lack of quorum) rather than a failure to follow administrative rules (e.g. to approve the minutes as the first item business)

c. For minor infractions of the statutory rules and failure to follow 'custom and practice' there is no specific sanction in the Local Government Act nor can the ombudsman inquire into local council affairs.

d. The conduct of all local authorities is open to judicial review by the High Court who will consider the manner in which a council has acted although not the merits of any decision it has reached. The courts exercise its discretion and will only consider cases where there is a serious and substantial public

interest. It is certainly possible for the High Court to interfere where e.g. a chairperson persistently shows bias and abuses their authority, even if supported by a majority of the council or where the council deliberately and consistently ignores commonly accepted rules.

e. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break.

2.6 Planning

In exceptional circumstances delegate powers to the clerk and the relevant councillors regarding planning applications that needs attention before the monthly council meeting.

2.7 Web page

2.7.1 The public notices of any council meeting shall be uploaded to the designated area of the council's website according to the same rules as outline in clause 1.2 (vi) of this constitution.

2.7.2 The minutes of the previous meeting shall be published within 14 days of meeting date following a validation process undertaken by the chairperson, vice chairperson and clerk.

2.8 Minutes of the meeting to be sent out to all councillors withing 7 days of meeting date.

FINANCIAL REGULATIONS FOR TROEDYRAUR COMMUNITY COUNCIL

1. GENERAL

1.1 These financial regulations shall govern the conduct of the financial transactions of the council and may only be amended or varied by resolution of the council.

1.2 The Clerk shall be the responsible financial officer (RFO).

1.3 The responsible financial officer (RFO) under the policy direction of the council shall be responsible for the proper administration of the council's financial affairs.

1.4 The RFO shall be responsible for the production of financial management information.

2. ANNUAL ESTIMATES

2.1 The Council shall submit proposal in respect of revenue and capital costs for the following year not later than the beginning of January each year.

2.2 Detailed estimates of receipts and payments for the year shall be prepared each year by the RFO.

2.3 The Council shall review the estimates, not later than the January meeting each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.

2.4 The annual budgets shall form the basis of financial control for the ensuing year.

3. BUDGETRY CONTROL

3.1 Expenditure on revenue items may be incurred up to the amounts included in each approved budget heading.

3.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate revenue budget heading unless a virement has been approved by the council.

3.3 The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the approved budget, comparing actual expenditure against that planned.

3.4 The Clerk may incur expenditure on behalf of the council together with any two of the signatories, which is necessary to carry out any repair, replacement or other work, which is of such extreme urgency that it must be done at once. Whether or not there is any budgetary provision for the expenditure, subject to a limit of £50. The clerk shall report that action to the council as soon as practicable thereafter.

3.5 Where expenditure is incurred in accordance with regulation 3.4 above and the sum required cannot be met from savings made elsewhere within the councils approved budget, it shall be subject to the provisions of a supplementary estimate approved by the council.

3.6 No expenditure shall be incurred in relation to any capital project, no contract entered into or tender accepted involving expenditure on capital account. Unless the council is satisfied that it is contained in the rolling capital

programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.

3.7 All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003 and 2005 as amended together with any amendments made during that year.

4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.

4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission)

4.4 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with regulation. Any officer or member of the council shall, if the RFO requires, make available such documents of the council which relate to their accounting and other records, as appear to the RFO to be necessary for the purpose of the audit, and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

4.5 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report Section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to the Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.

4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts.

4.7 The RFO as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal/External Auditor, unless the correspondence is of a purely administrative manner.

5. BANKING ARRANGEMETS AND CHEQUES

The council's banking arrangements shall be made by the RFO and approved by the council. One current account shall be maintained at the bank, Business Reserve Account and Capital Deposit Account held at NatWest Bank.

6. PAYMENTS OF ACCOUNTS

6.1 All payments shall be effected by cheque drawn on the council's bankers signed by two members, the chairperson should not be one of these members.

6.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice the officer shall satisfy themselves that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.

6.3 Duly certified invoices shall be passed to the RFO who shall examine them in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. The RFO shall take all possible to settle all invoices submitted, and which are in order, within 30 days of their receipt.

7. PAYMENT OF SALARIES AND WAGES

The payment of the clerk's wages will be by cheque on a monthly basis, following recommended salary scale of NALC and SLCC. The clerk shall declare this salary on her tax return form, having a letter of confirmation from Inland Revenue.

8. LOANS AND INVESTMENTS

8.1 All loans and investments shall be negotiated by the RFO in the name of the council, and shall be for a set period of time in accordance with council policy. Changes to loans and investments should be reported to the council at the earliest opportunity.

8.2 All investments of money under the control of the council shall be in the name of the council.

8.3 All borrowings shall be effected in the name of the council.

8.4 All investment certificated and other documents relating thereto shall be retained in custody of the RFO.

9. INCOME

9.1 The collection of all sums due to the council shall be the responsibility of and under supervision of the RFO.

9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the council.

9.3 The council will review all fees and charges annually, following a report of the clerk.

9.4 All sums received on behalf of the council shall be banked by the RFO.

9.5 Personal cheques shall not be cashed out of money held on behalf of the council.

10. ORDERS FOR WORK, GOODS AND SERVICES

10.1 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of cash transaction.

10.2 For expenditure of £500.00 or less the council shall have executive power.

11. INSURANCE

11.1 The RFO shall effect all insurance and negotiate all claims on the council's insurer.

11.2 The RFO shall be notified of any loss liability or damage of any event likely to lead to a claim.

11.3 The RFO together with the council shall review the insurance and risks annually.

12. REVISION OF FINANCIAL REGULATIONS

12.1 Financial officer i.e. clerk to provide quarterly financial updates to council.

12.2 It shall be the duty of the council to review the financial regulations of the council annually and to make such changes as the council considers are required.

The recording, filming and broadcasting of all public meetings be allowed.

Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.

Prior to meetings in official Council rooms, filming and recording may be undertaken from the floor of the meeting but must cease and all filming or recording equipment removed not later than 10 minutes prior to the scheduled start of the meeting.

During meetings in official Council meeting rooms, filming by broadcasters shall only be from a specific designated space. The designated space will be reserved for broadcasters and not available to the public.

At certain venues, there will be designated areas from which filming by broadcasters can take place as the Council may designate and filming must only be from within those designated areas.

Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner only from public areas.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording be allowed as long as it is carried out in a non-disruptive manner.

The filming or recording of members of the public is prohibited in circumstances where they are not making representations to the meeting and the Council will take such action as it considers appropriate against any person found to be contravening this restriction.

The Chairman of the meeting, or any such Council representative as designated by the Chairman, has the capacity to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be filming or recording in a disruptive manner.



Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

The Council will display the requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

The Council will publish the guidance on the filming, recording and broadcasting of meetings on its website.