

# Penrice Community Council: PCC Handbook at 20.03.2019

## Quick Reference: Standing Orders, Detailed Arrangements, Policies & Contracts

PCC Standing Orders  
PCC Financial Regulations

PCC Accounting & Internal Controls  
PCC Procurement & Expenditure  
PCC Managing Risk  
PCC Managing Audit  
PCC Managing Information  
PCC Employment Responsibilities

PCC Policy on Disruptive Behaviour  
Local Resolution Protocol for Community and Town Councils

Contract of Employment  
Charter between City & County of Swansea Charter & Local Community and Town Councils

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- 2.0 Standing Orders covering Legal & Statutory Requirements
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## **1.0 Summary of Detailed Arrangements**

### **1.1 Managing Employment Responsibilities**

This is covered by PCC Employment Responsibilities.

Relevant Policies include: Grievance Handling.

Council should be mindful of its responsibilities with regard to confidentiality and data protection, well-being, proper handling of personnel. This is an area where it is particularly important to be aware of statutory regulation and contractual arrangements.

### **1.2 Managing Risk**

This is covered by PCC Managing Risk and PCC Accounting & Internal Controls.

The effectiveness of PCC risk assessment and internal controls is covered annually in PCC Review of Effectiveness of Internal Controls.

### **1.3 Managing Finances & Accounts**

This is covered by PCC Financial Regulations, PCC Procurement & Expenditure and PCC Accounting & Internal Controls.

PCC Procurement & Expenditure includes details of statutory requirements for large procurements.

### **1.4 Managing Audit**

This is covered by PCC Managing Audit.

The effectiveness of PCC internal audit is covered annually in PCC Review of Effectiveness of Internal Controls.

### **1.5 Managing Information**

This is covered by PCC Managing Information which contains details of statutory requirements.

Council should be mindful of its responsibilities with regard to Data Protection/GDPR, Publication Scheme, Freedom of Information, Dealing with Media/Press, Security of Data, Archiving/Disposal of Information.

## 2.0 Standing Orders covering Legal & Statutory Requirements

Standing orders here in bold type contain legal and statutory requirements regarding:

- meetings, ordinary meetings, & extraordinary meetings
- management of information
- code of conduct and dispensations
- the role of the Proper Officer
- financial controls and procurement
- responsibilities under data protection legislation & to provide information
- execution and sealing of legal deeds

## 2.1 Meetings

- **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.**
- **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 another bank holiday or a day appointed for public thanksgiving or mourning.**
- **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.**
- **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- **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.**
- **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- **The chairman 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.**
- **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.
- **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.**
- **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.**
- **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.**

## **2.2 Annual Meetings**

- **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- **In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- **The Chairman 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.**
- **The Vice-Chairman of the Council if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the**

Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.

- In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.
- In an election year, delivery by the Chairman 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 Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date.

### **2.3 Extraordinary Meetings**

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

### **2.4 Management of Information**

- 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.
- 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 19.19.10).
- 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.
- Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **2.5 Code of Conduct and Dispensations**

- **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- **Dispensation requests shall be in writing and submitted to the standards committee of City & County of Swansea Council as much ahead of the meeting (that it is required for) as possible.**

## **2.6 Proper Officer**

The Proper Officer or appropriate substitute shall:

- **at least three clear days before a meeting of the council:**
  - **serve on councillors by delivery or post at their residences a signed summons confirming the time, place and the agenda; and**
  - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.**
- **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- **facilitate inspection of the minute book by local government electors;**
- **receive and retain copies of byelaws made by other local authorities.**

## **2.7 Financial Controls and Procurement**

- **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

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

## **2.8 Responsibilities Under Data Protection Legislation & To Provide Information**

- **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.**
- **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- **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.**
- **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.**
- **The Council shall maintain a written record of its processing activities.**

## **2.9 Execution and Sealing of Legal Deeds**

**A legal deed shall not be executed on behalf of the Council unless authorised by a resolution and subject to this, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

### **3.0 Formal Rules (which may be invoked by Council)**

#### **3.1 Formal Rules of Debate**

- Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 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.
- An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 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.
- If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- Subject to following standing order, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- A councillor may not move more than one amendment to an original or substantive motion.
- The mover of an amendment has no right of reply at the end of debate on it.
- Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- Unless permitted by the chairman 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 s/he last spoke;
  - to make a point of order;
  - to give a personal explanation; or
  - to exercise a right of reply.
- During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.



- A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 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 or legal requirements.
- Before an original or substantive motion is put to the vote, the chairman 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.
- Excluding motions moved under standing order marked \* above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

### **3.2 Formal Rules of Involvement of Members of the Public at Meetings**

- 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.
- The period of time designated for public participation at a meeting in accordance with the above shall not exceed 10 minutes unless directed by the chairman of the meeting.
- Subject to the above, a member of the public shall not speak for more than 5 minutes.
- A question from a member of public shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

### **3.3 Disorderly Conduct at Meetings**

- No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- If a resolution made under the above standing order is ignored, the chairman 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.

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

- A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- 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 (*to be specified*) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- The Proper Officer may, before including a motion on the agenda, correct obvious grammatical or typographical errors in the wording of the motion.
- 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 re-submits it, so that it can be understood, in writing, to the Proper Officer at least (*to be specified*) clear days before the meeting.
- If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman 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.
- The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- Motions received shall be recorded and numbered in the order that they are received.
- Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### **3.5 Draft Minutes**

- 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.
- 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 may be moved at the meeting.
- The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- If the chairman 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 chairman 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.”

### **3.6 Code of Conduct Complaints**

- Upon notification by the City & County of Swansea that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to data protection issues, report this to the Council.
- Where the notification 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.
- The Council may:
  - provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  - indemnify the councillor in respect of his or her related legal costs and any such indemnity is subject to approval by a meeting of the Council.

### **4.0 Associations/Memberships**

#### **4.1 Local Authority**

- 4.1.1 The PCC is a Community Council covered administratively by the City & County of Swansea.
- 4.1.2 The PCC has signed the Charter between the City & County of Swansea and local Community and Town Councils. The Charter details how the exchanges between Swansea and individual Community Councils should be handled.
- 4.1.3 Swansea organises a Town & Community Council Forum which meets every few months. The PCC appoints one or two representatives to the forum who report back to Council on proposed changes or ongoing issues.
- 4.1.4 The Democracy Unit at Swansea is able to supply to the Proper Officer information on the electoral wards of the PCC and advice on external elections such as the procedures when casual vacancies arise.
- 4.1.4 The Proper Officer and Councillors are able to obtain significant amounts of information from the authority's website: [www.swansea.gov.uk](http://www.swansea.gov.uk).
- 4.1.5 The Proper Officer has advised the Swansea Councillor for Gower Ward that he is invited to attend our meetings and that meeting dates and agenda are available at the PCC website. This invitation will be made to any Swansea Councillor who is elected to this ward in the future.

#### **4.2 One Voice Wales**

4.2.1 One Voice Wales (OVW) is the representative body for Councils in Wales. It is affiliated with NALC - the National Association of Local Councils.

4.2.2 The PCC maintains an annual membership of OVW which is at the discretion of Council.

4.2.3 OVW carries out the following activities:

- seeking feedback from Councils and making representations to other organisations such as the Welsh Assembly Government
- offering or forwarding advice and other information to Councils
- organising training courses for Councillors and Officers which address the governance and administration of Councils
- providing legal and similar advice on matters of governance and administration of Councils

4.2.4 OVW only accepts requests for specialist advice from the Chair or the Proper Officer.

4.2.5 OVW organises a Swansea Area Committee and the PCC usually designates two councillors as its representatives for the year.

4.2.6 The website for OVW is [www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)

### **4.3 Society of Local Council Clerks**

4.3.1 SLCC provides the Clerk with information online or through circulars or a helpline on:

- the responsibilities of being a Clerk
- employment matters relating to Clerks
- networking with other Clerks

4.3.2 The PCC maintains an annual membership of SLCC which is at the discretion of Council.

4.3.3 The website for SLCC is [www.slcc.co.uk](http://www.slcc.co.uk).