

## **PCC Standing Orders at 20.07.2020**

### **1.0 Introduction**

- 1.1 PCC Standing Orders outlines the rules that are most significant to Councillors in routine Council administration. For further details and an overview of other areas of PCC Regulation see the PCC Handbook.
- 1.2 All PCC regulations will be made available to Councillors. They will be reviewed formally at least once a year and this review will be noted at the Annual Meeting and at other meetings as relevant.

### **2.0 Council Decision Making**

- 2.1 The PCC may consider any matter which has the potential to affect local people and/or the local area. These matters may be raised by local people, Councillors or external bodies such as the local authority.
- 2.2 The PCC may only act under powers granted to all Community Councils by statute. The PCC does not have a General Power of Competence which would grant additional powers.
- 2.3 Legal decisions of the PCC may only be made in the following circumstances:
  - by Council within a properly convened meeting where notice of the topic has been given publicly and when sufficient Councillors are present to make the Council quorate (currently this is 3 Councillors)
  - by the Clerk, RFO or the Chair in performing the specific responsibilities of these roles required by statute (ie not by internal regulation)
  - by the Clerk or RFO when carrying out an activity properly delegated by Council
- 2.4 Councillors must be given sufficient information ahead of a meeting to allow them to prepare and be in a position to make a proper decision about items on the agenda. By regulation, risk assessment and management is an important part of Council management and decision-making and of demonstrating that a proper decision has been made.

### **3.0 Council Roles**

- 3.1 All parties should be aware of the roles and responsibilities of the Clerk to the Council, the Responsible Financial Officer (RFO), the Chair and Community Councillors.
- 3.2 The Council must have a Clerk and an RFO in post to carry out the responsibilities designated by law, to ensure proper advice is given to Council and to ensure matters of governance and administration are addressed.
- 3.3 The PCC employs one person for the roles of both Clerk and RFO. Within the legal constraints placed on these roles the Council as employer can instruct the Clerk/RFO. No individual Councillor has the authority to instruct the Clerk/RFO.

- 3.4 One Community Councillor must be appointed by the Council as the Chair of the Council to carry out the responsibilities designated by law. Other than these specified activities the Chair has the same rights, responsibilities and restrictions as other Community Councillors.
- 3.5 Council may also appoint another member as the Vice-Chair to carry out the responsibilities of the Chair in that person's absence. This arrangement will be clear at meetings. The Clerk will determine whether the Chair is to be considered absent if there is a specific task to be undertaken between meetings.
- 3.6 Community Councillors are local people who have made themselves available for the role and who have either stood for election or been co-opted.

#### **4.0 Council Meetings**

- 4.1 Every meeting of Council will be an ordinary meeting, an extraordinary meeting or annual meeting.
- 4.2 Council meets for an ordinary meeting every month (except August). This is when most Council Business is addressed. The annual meeting is on the same day as the May ordinary meeting and this is when the schedule of ordinary meetings is confirmed for the year and annual tasks are dealt with. Extraordinary meetings are called for a specific purpose when it has not been possible to deal with something at an ordinary meeting - primarily because the matter is time critical.
- 4.3 Every meeting requires preparation. The Clerk will use a variety of sources (schedules, checklists, requests from Councillors and members of the public, etc) to put together an agenda. The Clerk/RFO will also prepare and collate necessary records and documents. Summonses will be sent to Councillors, public notices posted on notice boards and online, and meeting documents distributed.
- 4.4 The business of a meeting follows the agenda unless good reason is given and accepted by Council to change the order.
- 4.5 An ordinary meeting will usually consist of:
- regular items relevant to the running of the meeting (members present & absent, declarations of interest, considering previous minutes & outstanding actions)
  - items relevant to ongoing Council administration (confirmation of payments, reviews & reports, etc)
  - items of Council business whether ongoing or new (planning, events, etc)
  - items reported by Councillors as ad hoc updates and comments from members of the public
- 4.6 An annual meeting will primarily consist of regular items repeated most years:
- items relevant to the running of the meeting (members present & absent, declarations of interest, considering previous minutes & outstanding actions)
  - reports (eg Chair's Annual Report inc asset survey)
  - election to elected posts (Chair & Vice-Chair)
  - appointments to external bodies
  - designation of Councillors to specific roles (defibrillators, regulation, etc)

- regulatory matters (standards, reports & reviews)
- financial (approval and/or payment of annual charges)

4.7 An extraordinary meeting will still need to address meeting administration (members present & absent, declarations of interest) as well as the matter to be progressed.

## **5.0 Management of Council Meetings**

5.1 The Clerk/RFO will attend each meeting as adviser, to support the functioning of the meeting, to present specific information and to write minutes of the meeting.

Council must give the Clerk/RFO an opportunity to give advice on relevant matters. If Council does not give that opportunity or does not follow the advice given this should be recorded in the minutes of the meeting.

5.2 The Clerk/RFO shall:

- advise Council on matters relating to Council governance and administration
- advise Council on handling of Council decision-making, including reference to risk management, PCC procedures, etc
- advise Council when further enquiries may be appropriate
- support the Chair in the functioning of the meeting including making available supporting information relevant to an agenda item at the appropriate time
- recommend to Council standards, procedures, reports, reviews, etc necessary or appropriate to the proper management of the Council
- present financial information to Council to inform Councillors and to support budget-making and monitoring

5.3 The Chair shall:

- facilitate the running of the meeting so that it is lawful
- facilitate contributions and decision-making on items of the agenda so that each decision is well-informed and lawful
- ensure the Proper Officer is able to give advice whilst business is under discussion
- ensure the Proper Officer is given time to take minutes and record all necessary details
- ensure each Councillor has an opportunity to take part in the decision-making
- at Council's discretion permit members of the public to make a short representation on an item after initial consideration by Councillors
- accept (for consideration by Council) motions relating to the meeting itself but not other motions given without prior notice to Councillors and the public
- close the meeting at the end of Council business, if the meeting exceeds 3 hours or if there is unacceptable disruption

5.4 Councillors shall:

- be aware of the framework in which they act - that decisions are made by Council, not individuals, that the scope of the Council is limited to specific powers, etc
- be informed on matters relevant to agenda items so that informed decisions can be made by the Council as a whole

- recognise any potential conflict of interest and act accordingly
- recognise the Chair and act accordingly - for example not interrupting the Chair or any participant invited to speak (other than to make a point of order) or being otherwise disruptive

## **6.0 Between Council Meetings**

6.1 The Clerk/RFO follows each meeting by producing minutes and posting confirmed minutes online, updating a list of outstanding tasks, setting priorities for activities between meetings (taking into account mandatory tasks and input from Council) and carrying out priority tasks possible within the allocated time.

6.2 Following a meeting individual Councillors are responsible for carrying out activities they have agreed to in that meeting, in a previous meeting or in connection with a designated role.

## **7.0 Designated Roles**

7.1 The Chair and Vice-Chair (if there is to be one) are elected within Council.

7.2 Councillors may be designated to be the PCC's representatives at membership organisations. This usually involves attending forum or committee meetings, outlining the PCC's experience on specific matters and bringing feedback to the PCC. Current organisations are:

- Swansea Town & Community Council Forum
- OVW Swansea Area Committee

7.3 Councillors may agree to take on specific roles or activities. These activities have included:

- Regulation & Compliance (General)
- Regulation & Compliance (at Meetings): Chair/Vice-Chair
- Financial Monitoring
- Financial Controls
- Website & Information Management
- Defibrillator (Coordination)
- Defibrillator (Guardians)
- Asset Surveys: Chair
- Asset Maintenance
- Event (Council Contact)
- Event (Risk Assessment)
- Risk Assessment (General)

## **8.0 Community Councillors & Code of Conduct**

Councillors sign and are governed by a Code of Conduct. All councillors shall undertake training in the Code of Conduct within six months of the delivery of their acceptance of office form. Complaints may be made that a Councillor has breached this code or for other reasons. The PCC has adopted the Local Resolution Protocol for Community and Town Councils.

## **9.0 Additional Provisions**

### **9.1 Previous Resolutions**

A resolution shall not be reversed within six months except by a special motion which requires written notice by at least 5 councillors to be given to the Proper Officer at least 10 days before the relevant meeting. Once such a motion has been disposed of no similar motion may be moved for a further six months.

### **9.2 Voting**

The following are detailed more fully in the PCC Handbook (Legal Orders: Meetings) where standing orders in bold contain legal and statutory requirements:

- the Chair may (in addition to an original vote) have a casting vote when votes are tied
- a Councillor may request that voting by each Councillor be noted in the minutes as long as business for that item has not been closed.
- Councillors should recognise the relationship of voting to the Code of Conduct

For voting on the election of the Chair (and Vice-Chair if there is to be one) see PCC Handbook (Legal Orders: Annual Meetings) where standing orders in bold contain legal and statutory requirements.

Where more than two people have been nominated for a position to be filled by the Council and none has received an absolute majority of votes, 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. As above a tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

### **9.3 Legal Orders**

See PCC Handbook (Legal Orders) for Orders drafted to cover legal & statutory requirements on the following topics:

- meetings (also ordinary, extraordinary and annual)
- management of information
- code of conduct and dispensations
- the role of the Proper Officer
- execution and sealing of Legal Deeds

The Clerk has the authority to revise orders to reflect changes in legal or statutory requirements and to determine whether or not an order remains in force when it ceases to be a legal or statutory requirement. Such decisions will be reviewed at the subsequent meeting of Council.

## **9.4 Formal Rules**

For Formal Rules which may be invoked by Council (including those for Managing Resolutions and for Rules of Debate) see PCC Handbook (Formal Rules)

All or specified formal rules will apply if so stated by the Chairman without objection from Council.

All or specified formal rules will apply if proposed by any member and agreed by Council.

The formal rules will apply for the duration given or, if so specified, until the decision is revoked.

## **9.5 Councillors & Appointments**

Councils usually last for a four year term (though this can be varied by regulation). Existing Councillors and potential candidates apply for future positions in the same way. If there are more applicants than available positions in a particular ward there will be an election. If there are insufficient candidates the position may be filled by a subsequent election or by co-option.

For Casual Vacancies which arise outside a full election the City & County of Swansea provide a guidance sheet which should be followed.

## **10.0 Managing the Council Year**

10.1 The Proper Officer shall produce a schedule of planned activities so that they can be completed within the specified timeframes and add ad hoc activities as they arise. Where activities are to be carried out annually it will usually be most effective if they are carried out at roughly yearly intervals.

10.2 Council has to ensure sufficient time is allocated to the Proper Officer to allow completion of the scheduled activities and to accommodate ad hoc activities. Council should recognise the need to spread the work of the Proper Officer over the year so that prescribed dates can be met.

10.3 Council management and administrative activities include:

- Regulation
- Financial
- Audit
- Employment