

# CITY OF BANGOR COUNCIL

## STANDING ORDERS

These Standing Orders are made by the City of Bangor Council (hereinafter referred to as "the Council") for the regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972, and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in a **bold** typeface below reflect a selection of the many relevant mandatory statutory requirements, and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

### MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- 1. In a year which is a year of ordinary elections of City Councillors, the Annual Meeting of the Council shall be held on, or within 14 days after, the day on which its Councillors elected at that election take office (that is, on the fourth day after the date of the election). This means that the Annual Meeting is required to be held between 4 and 18 days after the date of the election, or as otherwise prescribed by law. In any other year the Annual Meeting shall be held on such day in May as the Council may determine. It shall be held at six o'clock in the evening or such hour as the Council may otherwise fix.**
2. The Council shall, in every year hold, in addition to the Annual Meeting, six other ordinary meetings for the transaction of its business, such meetings being held at bi-monthly intervals (excluding the month of August) on a Monday at 6.30 p.m.
- 3. An extraordinary meeting of the Council may be called at any time by the Mayor and, should he refuse to call such a meeting after a requisition for that purpose, signed by two Members of the Council, has been presented to him, or if, without so refusing, he does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two Members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.**
- 4. A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held at such place, either within or without its area, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.** Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at the Council Chamber in the Penrhyn Hall.

5. **Three clear days at least before a meeting of the Council or a Committee of the Council -**
  - (a) **notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the City and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting; and**
  - (b) **a summons to attend the meeting, confirming the time, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every Member of the Council OR sent to a Member by email provided it contains the electronic signature and title of the Proper Officer.** Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.
  - (c) **Want of service of such summons as is referred to in 5(b) above on any Member of the Council shall not affect the validity of the meeting.**
6. **Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law** and these Standing Orders. Smoking shall not be permitted at any such meetings.

#### **APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

7. The Council, for the purpose of discharging any of its functions or advising it on any matter relating thereto, may appoint one or more Committees comprising Members of the Council and, if it so wishes, including persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
8. A Committee appointed in accordance with Standing Order 7 above for the purpose of discharging any of the Council's function or advising it on any matter relating thereto, unless the Council otherwise directs, may appoint one or more Sub-Committees comprising members of the Committee and persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
9. Unless the Council otherwise directs, any Committee appointed in accordance with Standing Order 7 above and any Sub-Committees appointed in accordance with Standing Order 8 above shall respectively elect its own Chairman. If, in the event of a tie in the course of electing that Chairman (when an equal number of votes is cast for each nominee) the situation shall be resolved through the drawing of lots.
10. A Committee or Sub-Committee shall report back respectively to the Council or Committee appointing it on its decisions taken in accordance with any functional power delegated to it and/or recommendations/observations on any matter relevant to its terms of reference.

11. The Council:
  - (a) Shall not appoint any member of a Committee so as to hold office later than the next annual meeting of the Council
  - (b) May at any time dissolve a Committee or alter its membership
  - (c) Membership of Committees shall be less than the total Council membership

## **CONSTITUTION OF COMMITTEES**

12. The following Committees shall be the Standing Committees of the Council and shall consist of the number of Members (exclusive of the Mayor) specified opposite each Committee:

Assets, Resources and Projects Committee – 10 Members

Governance, Staffing and Finance Committee – 10 Members

13. Except where otherwise provided by statute or a scheme made under statutory authority, the Mayor shall be permitted to attend Committee meetings but have no vote on any matter.

## **ELECTION OF MAYOR**

14. **A Mayor shall, at the Council's annual meeting, be elected from among its Members and, unless he resigns or becomes disqualified, shall continue in office until his successor becomes entitled to act as such. (i.e. following his successor's election to that office at the next Annual Meeting of the Council or being elected to fill any casual vacancy for Mayor that may occur sooner).**
15. **The Mayor shall, at the annual meeting at which he is elected or re-elected (or at the meeting at which he is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a Member of the Council or of its Proper Officer, and deliver to the Council, a Declaration of Acceptance of Office in a form prescribed by an Order made by the National Assembly for Wales and, if he fails to do so, his office of Mayor shall thereupon become vacant. If present at any meeting of the Council, the Mayor shall preside thereat.**
16. **The person presiding at the time of election of Mayor shall be disqualified from being a candidate for re-election to that office if he continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Mayor wishing to be re-elected) shall be required to vacate the chair and leave the meeting prior to his name being formally proposed as a candidate.**
17. **In the case of an equality of votes in the election of Mayor, the person presiding at the meeting shall give a casting vote in addition to any other vote he may have. The person shall have voted on the proposal to have his casting vote.**

### **APPOINTMENT OF DEPUTY MAYOR**

18. A Deputy Mayor shall be appointed annually by the Council from among its Members and, should such an appointment be made, **shall hold office until immediately after the election of a Mayor at the next Annual Meeting of the Council, unless he should resign or become disqualified beforehand. In the absence of the Mayor at a meeting of the Council, the Deputy Mayor shall preside thereat but in the absence of both Mayor and Deputy Mayor, such Councillor as the Members of the Council present shall choose, shall preside.**

### **CHAIRMAN OF MEETING**

19. **The Deputy Mayor or Councillor presiding at a meeting of the Council shall be empowered to exercise all the powers and duties of the office of Mayor in relation to the conduct of the meeting, including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of, or on behalf of, the Council.**

### **DECLARATION OF ACCEPTANCE OF OFFICE OF CITY COUNCILLOR**

20. **A person elected or re-elected to the office of City Councillor shall, before or at the first meeting of the Council after his election (or in the case of co-option to that office, at the meeting at which he is so co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or the Proper Officer of the Council and deliver to the Council a Declaration of Acceptance of Office in a form prescribed by an Order made by the National Assembly for Wales (incorporating an undertaking by the declarant that, in performing his functions, he will observe the Council's Code of Conduct for the time being adopted), and if he fails to do so his office as City Councillor shall thereupon become vacant.**

### **AGENDAS FOR MEETINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS**

21. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Town Clerk, or by a Member of the Council, subject in the latter case to notice thereof being given to the Clerk in writing not later than seven clear days prior to the date of the meeting. The Town Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.
22. Subject to any relevant statutory requirement and to provisions contained elsewhere in these Standing Orders, including for varying the order of business, the business of any meeting of the Council (other than its Annual Meeting) shall be transacted in the following order: -
- (a) To elect a Member to preside in the absence of the Mayor and Deputy Mayor.

- (b) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
  - (c) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted Members' Code of Conduct.
  - (d) To receive reports of Committees and Sub-Committees appointed by the Council.
  - (e) To consider items of business placed upon the agenda by the Town Clerk and (subject to requisite notice being given in accordance with the requirement of Standing Order 21 above), items of business placed thereon by Members of the Council, in such order as the Town Clerk may deem to be most appropriate.
  - (f) To consider and approve accounts for payment.
23. At the annual meeting of the Council, in addition, the following business shall also be transacted in the following order: -
- (a) Election of Mayor.
  - (b) Appointment of Deputy Mayor.
  - (c) Appointment or re-appointment of any standing Committees, Sub-Committees and Working Groups.
  - (d) Appointment or re-appointment of Members to serve on outside bodies.
  - (e) Delegation or renewal thereof of functional power to the Town Clerk and Responsible Financial Officer to act in respect of urgent business arising between meetings of the Council (in consultation with the Mayor and Deputy Mayor or otherwise).

### **NOTICES OF MOTION**

24. Except as provided under Standing Order 29 below, each notice of motion shall be in writing, signed by the Member or Members of the Council giving the notice, and delivered to the Town Clerk in accordance with the requirements of Standing Order 21 above. The Town Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every Member of the Council.
25. The Town Clerk shall insert in the summons (agenda) for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Member giving such notice has, when giving it, intimated in writing that he proposes to move it at some later meeting or subsequently has withdrawn it in writing.
26. If a motion, notice of which is thus specified in the summons (agenda), be not moved, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
27. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of

the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.

28. Every notice of motion shall be relevant to some question over which the Council has power or which affects the City.

### **MOTIONS THAT MAY BE MOVED WITHOUT NOTICE**

29. The following motions may be moved without notice: -
- (a) To appoint a Chairman to preside at the meeting in the absence of the Mayor and Deputy Mayor
  - (b) In relation to the accuracy of the minutes of the previous meeting.
  - (c) To change the order of business.
  - (d) To proceed to the next business.
  - (e) To close or adjourn the debate on any particular item of business.
  - (f) To refer a matter to a Committee, Sub-Committee or Working Group.
  - (g) To appoint a Committee or Working Group and/or Members to serve thereon.
  - (h) To receive and/or adopt a report.
  - (i) To withdraw a motion.
  - (j) To amend a motion.
  - (k) To exclude the public and press in appropriate circumstances.
  - (l) To adjourn the meeting in the event of disorderly conduct.
  - (m) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in **bold** print herein) would be purported not to apply.
  - (n) To adjourn the meeting.
  - (o) That the question be now put in relation to any item of business appearing on the agenda of a meeting.

### **QUESTIONS**

30. A member may ask the Mayor or the Town Clerk any question relating to the functions or business of the Council, subject to seven clear days written notice thereof being given to the Town Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest so to do.

### **RULES OF DEBATE**

31. No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof. Proposed corrections thereto shall be submitted to the Town Clerk in writing prior to the meeting at which the minutes are to be signed.
32. Members shall direct their speeches only to the subject currently under discussion and address the Chairman. Excluding motions moved under Standing Order 40 below, the contributions or speeches by a Member shall relate only to the motion under discussion and shall not exceed five (5) minutes without the consent of the Chairman.

33. In the event of two or more Members requiring to speak, the Chairman shall determine the order of speaking.
34. A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 24 above or is as referred to in Standing Order 29 above.
35. An amendment to a motion shall be only: -
- (a) to leave out words;
  - (b) to leave out words and insert or add others;
  - (c) to insert or add words,
- but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Council.
36. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
37. The mover of a resolution shall have a right to reply immediately before the motion is put to the vote. Should an amendment be moved, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
38. A Member may raise a point of order or make a personal explanation but a personal explanation shall be confined to some material part of a former speech by him at the same meeting which may have been misunderstood and he shall be entitled to be heard forthwith but the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Whenever the Mayor rises during a debate, all other Members of the Council shall be silent.
39. A motion or amendment may be withdrawn by the mover with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any Member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
40. When a motion is under debate no other motion shall be moved except the following:-
- (a) To amend the motion.
  - (b) To postpone consideration of the motion.
  - (c) To adjourn the meeting.
  - (d) To adjourn the debate.
  - (e) To proceed to the next business.
  - (f) That the question be now put.
  - (g) That a Member be not further heard.
  - (h) That a Member do leave the meeting.

- (i) That the subject of debate be referred back to a Committee or Sub-Committee.
  - (j) To exclude the public and press.
41. Without prejudice to the terms of these Standing Orders, or the statutory right of any Member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

### **RESCISIONS OF RESOLUTIONS**

42. No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the Member who proposed the motion, the names of at least one third of the Members of the Council; and when any such motion has been disposed of by the Council it shall not be competent for any Member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chairman or other Member of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

### **QUORUM**

43. **No business of the Council shall be transacted at a meeting of the Council unless at least one-third of the whole number of Members of the Council are present at the meeting. A quorum in relation to meetings of this Council shall, therefore, be at least seven Councillors. Where, however, more than one-third of the Members of the Council become disqualified at the same time, then, until the number of Members in office is increased to not less than two-thirds of the whole number of Members thereof, the quorum of the Council shall be determined by reference to the number of Members of the Council remaining qualified instead of by reference to the whole number of Members of the Council. So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present may be unable to vote, on account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of Members entitled to vote.**
44. Should a quorum not be present at a meeting of the Council or should the number of Members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.
45. Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present. Provided that in no case shall the quorum of a Committee be less than three Members.



46. Except as aforesaid or otherwise by the Committee which has appointed it, business shall not be transacted at a Sub-committee unless at least one quarter of the whole number of the Sub-committee is present. Provided that in no case shall the quorum of a Sub-committee be less than two Members.

### **VOTING**

47. **All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the Members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands (or, alternatively, by secret ballot where the Council, Committee or Sub-Committee, as the case may be, so decide). However, on the requisition of any Member of the Council and supported by three other Members who signify their support by rising in their places, the voting on any question shall be recorded so as to show whether each Member present and voting did give his vote for or against that question.** A Member shall be entitled to have his name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.
48. In the event of there being an equality of votes and the Member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; **other than in respect of the election of the Mayor, where the person presiding is required by law to exercise a casting vote.**
49. **In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those Members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.**

### **DISORDERLY CONDUCT**

50. No Member shall, at a meeting of the Council or a Committee or Sub-Committee thereof, persistently disregard the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
51. If, in the opinion of the person presiding thereat, a member has breached the requirements of Standing Order 50 above, any Member may move that the Member in question be no longer heard. That motion shall thereupon be put forthwith and without discussion.
52. In the event of such a motion being carried and the Member in question persists in breaching the requirements of Standing Order number 50, the person presiding may suspend the meeting or take such further steps as may reasonably be deemed to be necessary or expedient.

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

53. Canvassing of Members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Town Clerk shall make known to every candidate for such an appointment the terms of this Standing Order.
54. A Member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a Member providing a written reference as to a candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for an appointment.

## **PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTION OF DOCUMENTS**

55. **Any meeting of the Council or of its Committees shall be open to the public. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude members of the public therefrom. However, the Council or Committee, as the case may be, may by resolution, exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings. Where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies. The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than Members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purpose of the recommendations or advice. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.**
56. **Under the provisions of the Public Bodies (Admission to Meetings) Act 1960, photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means, whether by Councillors, members of the press or media or members of the public, is not permitted without the Council's prior consent.**
57. **Duly accredited representatives of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council, for telephoning the report at their own expense.**
58. This Council shall also adhere to the principles of openness in relation to public access to its meetings and documents, as referred to in Section 100 A to K etc. of the

Local Government Act 1972 (as inserted therein by the Local Government (Access to Information) Act 1985), as if it were a principal council (i.e. a Welsh County or County Borough Council), insofar as it is possible and practicable so to do in relation to the functions of the Council, particularly in relation to admission of the public to meetings of Sub-Committees and to public access to agendas, reports, minutes and background papers. **The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.**

59. Notwithstanding the principles of openness in the Council's dealings, as referred to in Standing Order 56 above, no Member shall disclose to any person not a Member of the Council any business declared to be confidential by the Council.
60. Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's Press and Media Policy. Other comments, statements or contact with the press and media shall be conducted in accordance with the Council's Press and Media Policy and Social Media Protocol.
61. A Member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in the possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose. However, if this document contains "exempt information" falling within paragraphs 12 - 18 of Part 4 of Schedule 12A of the Local Government Act 1972, this entitlement depends upon the Member's ability to demonstrate that he/she has the necessary "need to know" this information. In this respect a Member has no right to "a roving commission" to go and examine the documents of the Council. If a Member's motive for seeing documents is indirect, improper or ulterior, access may be refused. The crucial question is the "need to know" which will be determined by the Council's Proper Officer. In the event of a dispute, the matter will be referred to the Gwynedd Council Monitoring Officer / Standards Committee for resolution.

### **APPOINTMENT OF STAFF**

62. The Council shall appoint such officers and other employees as it thinks necessary, including a Town Clerk, for the proper discharge of its functions. **The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001.**
63. **The Council shall appoint a Responsible Financial Officer** (who may also be its Town Clerk), **with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.**
64. **The Council shall appoint a completely independent internal auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission** and shall give its consideration to any recommendations or observations made by him from time to time.

65. Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

## **CONTRACTS**

66. Where it is intended to enter into a contract exceeding **£25,000** but not exceeding **£70,000** in value or amount for the supply of goods or materials or for the execution of works, the Council's Responsible Financial Officer shall give at least one week's public notice of such intention in the same manner as public notice of meetings of the Council is given.
67. Subject to the requirements of Standing Order number 68 below, where the value of the intended contract exceeds **£70,000** in value or amount, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.
68. Where, in the opinion of the Council, the goods, materials or work are of a specialist nature, as an alternative to the requirements of Standing Orders 66 and 67 above, tenders may be invited from at least three contractors, selected by the Council, specialising in the type of work etc. comprising the contract in question.
69. The notice, or invitation to submit a tender, for a contract exceeding **£70,000** in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
70. Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.
71. The Council is not bound to accept the lowest tender.
72. Should no tenders be received or should all the tenders be identical, the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
73. A notice/invitation to tender issued in accordance with the requirements of Standing Orders numbers 66, 67, 68 and 69 above shall contain a statement of the effect of Standing Order number 54 in relation to tenders and quotations.

74. **No Member of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with powers properly delegated to a Committee, Sub-Committee or Officer and the requirements of these Standing Orders and the Council's Financial Regulations shall be strictly adhered to in respect thereof.**
75. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **EXECUTION OF DOCUMENTS**

76. **All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council (or, should the Council not have a seal, signified by an instrument signed and sealed by two Members of the Council, who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council).**

### **PROPER OFFICER**

77. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be the Town Clerk: -
- i To receive and record the Declarations of Acceptance of Office.
  - ii To receive and record notices disclosing pecuniary interests.
  - iii To receive and retain plans and documents.
  - iv To sign notices and other documents on behalf of the Council.
  - v To receive copies of bylaws made by the Unitary Council.
  - vi To attest copies of bylaws made by the Unitary Council.
  - vii To sign summonses to attend meetings of the Council.

In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Town Clerk.

### **EXPENDITURE AND FINANCIAL MANAGEMENT**

78. **The terms and requirements of the Council's approved Financial Regulations shall be adhered to in relation to any decisions relating to expenditure and the Council shall receive and give due consideration to any**

recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.

## **MEMBERS' AND OFFICERS' CODES OF CONDUCT**

**Paragraphs 79 – 98 superseded by the new Model Code of Conduct for Members adopted by Council on 21 April 2008.**

99. **Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.**
100. **Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.**
101. **The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.**
102. **Mutual respect between employees and Councillors is essential to good local government, and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently, and without bias.**
103. **Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.**
104. **Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.**
105. **Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with: -**
  - (a) **any rules of the Council on the registration and declaration by employees of financial and non-financial interests,**
  - (b) **any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.**

106. **In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.**
107. **Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a City Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.**
108. **Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**
109. **Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.**

#### **WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE**

110. **Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.**
111. **The Council shall conduct the business at its meetings bilingually in both the Welsh and English languages.**

#### **HUMAN RIGHTS**

112. **So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.**

## **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

113. Unless authorised by a resolution of the Council, Committee or Sub-committee, no Member shall:
- inspect any land and/or premises which the Council has a right or duty to inspect; or
  - issue orders, instructions or directions to any member of Council staff.

## **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

114. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.
115. Any motion to add to, vary or revoke these Standing Orders shall, when moved and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

## **STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS**

116. A copy of these Standing Orders shall be given to each Member of the Council by the Town Clerk upon delivery to him of the Member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Town Clerk to any Officer or other employee upon his appointment.

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Iwan Williams  
City Director

June 2021

Amended Sept 2007  
April 2008  
October 2014  
April 2016  
November 2019