

CYNGOR CYMUNED
Y FELINHELI
COMMUNITY COUNCIL

HANDBOOK

Mabwysiadwyd 13eg Ionawr, 2007

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HANDBOOK

1. WELCOME

This is the handbook of Cyngor Cymuned Y Felinheli Community Council. It provides the reader with an easy guide to the work and responsibilities of the Community Council.

The boundary of the community council is shown on map one.

2. PURPOSE

The primary purpose of the Community Council is to represent the interests of the residents of the community of Y Felinheli and to promote the well being of the local area. This work is principally carried out by making representations to the unitary authority for the area (Gwynedd Council), other bodies and agencies such as the North Wales Police, the Welsh Assembly Government/National Assembly for Wales. This will include matters relevant to the ward County Councillor, AM, MP and MEPs.

The Council has direct responsibility for a number of tasks including the management of the Memorial Hall, the community cemetery at Llanfairisgaer and a car park. The Council carries out grass cutting on public footpaths under an agency agreement with Gwynedd Council.

3. RULES AND CONSTITUTION

The rules and constitution of the council are set out in Part 2. New members of the council are urged to make themselves familiar with these documents.

Nothing in these rules is intended to be in conflict with the national rules set for town and community councils, nor the standing orders and chairmanship guidance as issued from time to time by UNLLAIS Cymru the national body for town and community councils in Wales.

4. STANDARDS OF CONDUCT

Members of the council are expected to conduct themselves in accordance with the relevant codes of conduct for elected members of local authorities. Councillors are required to abide by the detailed rules and regulations, which are published for this purpose. Copies of the code will be held by the clerk, or can be obtained from Gwynedd Council.

Members of the council have received copies of the guide published by the Welsh Assembly Government titled "The Good Councillor's Guide" and note the advice that is offered on good practise.

5. EQUAL OPPORTUNITIES POLICY

1. The Felinheli Community Council are committed to actively opposing racism, sexism and all forms of discrimination faced by minority ethnic people, women, people with disabilities, lesbians and gay men.
2. The Felinheli Community Council declare that it will introduce measures to combat all direct or indirect discrimination in its employment practices and in its provision of services.
3. The Felinheli Community Council will seek to implement a programme of positive action to make this policy fully effective and will make sure that no job applicant receives less favourable treatment on the grounds of race, sex, colour, nationality, ethnic or national origins, marital status, sexual orientation, disability or age.
4. The Felinheli Community Council confirms that all procedures implemented as part of the above commitment will be regularly monitored for effectiveness and changes made where appropriate.

6. CLERK/FINANCIAL OFFICER

The council employs a financial clerk who acts as the responsible Financial Officer of the Council and also a secretarial clerk who act as the responsible Secretarial Officer of the Council. The clerks is appointed in open recruitment and appointed on terms and conditions determined by national negotiations, as amended by the Council. The actions taken by the clerk will be guided by the national handbook for clerks and any other guidance that may be issued by UNLLAIS Cymru, the Welsh Assembly Government or other relevant body.

7. ACCEPTANCE OF OFFICE

The clerk will ensure that each person becoming a member of the Council completes a written declaration of acceptance of office.

8. BUSINESS OF THE COUNCIL

The business of the Council is conducted via monthly meetings, sub committees and special meetings where appropriate.

Monthly meetings of the council are convened by public notice with an agenda prepared by the clerk and distributed to all members of the Council.

9. ATTENDANCE

A member will be disqualified if he fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, unless the failure was due to some reason, which has been approved by the authority before the expiry of that period. The expression "meeting of the authority" includes any committee

or sub-committee of the authority, or a meeting of any joint committee, joint board or other body who the Community Council has discharged any of its functions to. It also includes attendance as a representative of the authority at a meeting of any body of persons.

Section 85(1) and (2) Local Government Act 1972

10. COMMITTEES

The Council may form sub committees as appropriate and can arrange for them to perform any of their functions on behalf of the Council except the power to issue a precept or borrow money.

11. MINUTES/RECORDS

Minutes of the Community Council meetings must be kept. They must be drawn up by the proper officer of the Community Council (clerk) if there is one, and by the proper officer of Gwynedd Council if there is not. They must be accepted as a true record at the next meeting of the Council and signed by the Chair or the person presiding at the start of that meeting.

Sub committees and special meetings need not have the clerk present but the chair of the meeting should ensure a record is made of decisions/actions, which arise.

12. PROPERTY/LAND IN COMMUNITY COUNCIL'S OWNERSHIP

a) Ownership

The Council has responsibility for various pieces of property and land. These can briefly be described as:

- Community Cemetery at Llanfairisgaer
- Memorial Hall
- 2 parking spaces in car park next to Memorial Hall
- Clock
- Car Park – rear of Bangor Street
- Path and surrounding land leading from Car Park to Lon Las
- Three bus stops (opp Londis shop, opp St Mary's Church and Aberpwll).
- Land under lease from Gwynedd Council on Lon Las. (section at Caernarfon end).

b) Other Interests

The council pays one pound per annum for a permissive path at Roewen by agreement with the landowner.

c) Gwynedd Council Responsibilities

Other areas of land within the village are owned and/or managed by Gwynedd Council. The main sites owned by that council and of interest to the community are:

- Beach road – parking bays, grassed amenity area, play equipment, toilets, playing field.
- Lon Las cycle route
- Play area in Y Wern
- School playing field
- Workshops/industrial units on cycle path behind Bangor Street.

Gwynedd Council are also responsible for streetlights, pavements, highways, maintenance of public footpaths, school facilities etc.

13. BUDGET AND PRECEPT

a) Precept and Income

The main funds and income for the Council come from the annual community charge precept. This is collected by Gwynedd Council and paid to the Community Council in two instalments.

The precept provides an income/budget for the Council.

b) Payment to Church

As a matter of policy the Council makes a payment of £500 to St Mary's Church for the maintenance of the Church Graveyard. This decision can be reviewed or rescinded by the Council at a future date.

c) Other Grants

The Council will consider annual grants for local organisations in May of each year. Grants are made subject to two criteria: The Community Council needs to be aware that they may only provide grants in accordance with their powers.

- a) groups who are based within the community council boundary, and
- b) on submission of a balance sheet.

14. INSURANCE

The Council maintains an insurance policy in order to meet any claims for public liability incurred by the Council.

15. ARCHIVE OF DECISIONS

The clerk will retain the minutes and records for three years.

Financial records will be kept for the period specified in relevant regulations.

The archive of the Council's minutes has been placed with the Archives service of Gwynedd Council in Victoria Dock, Caernarfon.

PART TWO – RULES AND CONSTITUTION

1. THE COUNCIL

- 1.1 The Council will be known as Cyngor Cymuned Y Felinheli Community Council.
- 1.2 There are 13 members of the Council who will be elected by those people on the electoral register and who are entitled to vote in relevant elections.

The Council will act within the framework of the law and regulations that affect local government.

2. QUORUM

- a. The quorum for a meeting of the full Council will be four members.

3. MEETINGS

- a. The Council will meet once a month (usually on the second Tuesday of each month) except in the month of August. The Annual General Meeting will be held on the second Tuesday in May followed by the ordinary meeting of the Council.
- b. Meetings will be convened by a notice issued by the clerk with at least three clear days notice given.
- c. If the clerk is unavailable then the chair/vice chair should convene the meeting and arrange for a minute to be kept of the meeting.
- d. A public notice will be kept in the community notice board informing public of the details of meetings and the contact details of the clerk.

SUB COMMITTEES AND AD HOC MEETINGS

a) Cemetery

A cemetery sub committee of three members will be elected by the annual meeting to consider matters relating to the safe and proper maintenance and management of the community cemetery.

b) Other Sub Committees

Other sub committee(s) and ad hoc meetings may be formed as appropriate to carry out tasks specified by the full Council.

A sub committee should have a minimum of three members of whom two should be present to discuss matters and make recommendations to the full Council.

4. SPEAKERS AND GUESTS

- a. The Council can invite speakers and other guests to address the Council. Such arrangements to be made in consultation with the Chair and/or Vice Chair. Guest speakers will normally be taken as the first item at a meeting of the Council unless the meeting decided otherwise.
- b. Members of the public can attend ordinary and committee meetings of the Council and may speak with the permission of the Council.
- c. Similarly the press may attend meetings of the Council.

Members of the public and the press can be excluded from the meeting for discussion on specific items and for the reasons set out in statutory guidance usually confidential items.

5. MINUTES

5.1 The clerk will take a minute of meetings of the full Council and record all decisions taken. The minutes will normally be presented to the subsequent meeting of the Council for approval.

5.2 The clerk will retain a file of the minutes for three years before presenting them to the Archives Service for safe keeping.

6 CHAIRPERSON/VICE CHAIRPERSON

The election of the chairperson must be the first business of the annual meeting of the Council, the chairperson must be a member of the Council

Whether or not the Council has passed any standing orders, the Chairperson's procedural authority is derived from the Council as a whole and an individual councillor must obey his/her rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairperson cannot overrule the Council and that a councillor who is dissatisfied by the Chairperson's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.

The authority of the Chairperson, as such, is limited to matters of procedure and neither increases or decreases his/her right (in comparison with other members) to discuss the merits of a particular case. It is one of the most difficult tasks to remember that, while the Chair gives him/her authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

The chair and vice chair will provide overall leadership to the work of the Council and be responsible for guiding and advising the clerk on any urgent action required between meetings.

7. DECISION MAKING

a) Consensus

The Council will seek to reach decisions on the basis of discussion and reaching a consensus. The chair will guide such discussions and seek confirmation of any common position(s) that emerge through agreement on the words of a resolution to be recorded in the minutes.

b) Voting

Every decision (except the appointment of an honorary freeman) must be made by a majority of the members present and voting.
Local Government Act 1972 Schedule 12, paragraph 39(1)

Amendments to a resolution will be voted upon before the main proposal.

Unless otherwise provided by the council's standing orders the manner of voting at meetings of a Community Council must be by a show of hands.
Local Government Act 1972, Schedule 12, paragraph 29(1)

Any member may request that the voting on any decision shall be recorded to show whether each member present and voting gave his/her vote for or against that question – this means that there is no requisite minimum number of members who may make such a request.
Local Government Act 1972, Schedule 12, paragraph 29(2)

In the event of a tied vote the chair of the meeting can choose to exercise a casting vote if he/she so wishes.

A secret ballot can be held if requested by five members present at the meeting. The clerk will arrange to distribute a voting paper, and arrange to count the votes cast in any such ballot. The clerk will give the results to the chair of the meeting to be announced.

8. NOTICE OF BUSINESS

At least three clear days notice must be given before the meeting of a Community Council and a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, signed by the proper officer of the council, must be left or sent by post to the usual place of residence of every member of the council.
Local Government Act 1972, Schedule 12, paragraph 26(2)(b)

9. CLERKS

The Financial Clerk will be the proper financial officer of the Council; whilst the Clerk will be the proper officer in regard to all secretarial matters of the Council.

10. INTERNAL AUDIT

The Council will appoint an internal auditor at the annual general meeting.

11. EXTERNAL AUDIT

The clerk will ensure that proper financial records are submitted for audit in accordance with the relevant rules and regulations.

12. FINANCIAL RULES

a) Minor works (up to £500)

The clerk is authorised to spend up to £500 on minor items in consultation with the chair and/or vice chair.

Every cheque or other order for the payment of money by a Community Council must be signed by two member of the Council.
Local Government Act 1972, section 150(5)

b) Work between £500 and £2000

The clerk will invite prices from three companies/providers. The clerk can receive any prices submitted by the date specified and check they comply with the specification provided. The clerk must normally make a report, with a recommendation to the Council for approval, in order for work to proceed.

c) Over £2000

The Council will invite sealed tenders to a specification supplied to three potential providers. A date will be set for return of tenders and they will be opened at a meeting of the full Council.

EXCEPTIONS

Exceptions to the above rules can be allowed where the clerk believes emergency action is required in the interests of public safety or to protect the legal position of the Council. The chair should be consulted, where possible, prior to such expenditure.

13. ANNUAL MEETING

The annual meeting of the Council must be held in May of each year, except in the year of ordinary elections of community councillors. Then the annual meeting of a Community Council must be held on, or within fourteen days after the day on which the councillors elected at that election take office.

The annual meeting will conduct the business specified on the agenda and include:

Election of chairperson

Election of Vice Chairperson

Election of Sub Committees

Election of Internal Auditor

Financial Report

Questions from the Public

Reports

Residents of the community are entitled to attend the annual meeting and ask questions about the business, finance or other issues relevant to the Council.

14. EMPLOYMENT

The council employs a clerk and caretaker, and can retain other staff or contractors as necessary to completing the work of the Council.

15. ASSETS

The Council can make arrangements to transfer assets etc to the management of other organisations subject to discussion and decision by the Council, satisfying them, taking professional advice as appropriate, that the alternative arrangements will fulfil the purposes required by the Council.

16. GRANTS

a) Grant Offers

The Council is entitled to make grant offers in accordance with their powers for any lawful purpose consistent with the work of the Council.

b) Grant Claims

The Council can also vote to apply for grants etc from outside bodies in support of projects, which benefit the village.

17. VACANCIES AND CO OPTIONS

- 17.1 After advertising by public notice in accordance with the Local Government Act 1972 any vacancy that occurs, the council can co-opt eligible electors to fill vacancies.
- 17.2 Expressions of interest in being co-opted should be submitted to the Council.

18. RELATIONSHIP WITH COUNTY COUNCILLOR

- 18.1 If the County Councillor for Y Felinheli is not a directly elected member of the Community Council, he/she will be a member of the public, and therefore there may be times when the Community Council will need to exclude his/her presence, for example when they need to retire into private session.
- 18.2 The Community Council notes that the County Councillor can choose to attend as appropriate to the business under discussion but will request that he/she attends at least once a quarter to submit a report and receive representations on any business relating to Gwynedd Council or his/her work as a councillor.

19. DISPUTE

Any dispute over the interpretation of these rules will be resolved by reference to any models or good practise published by UNLLAIS CYMRU and/or the Welsh Assembly Government. If matters remain unresolved UNLLAIS CYMRU will be asked to offer advice.

07.04.08

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