

## **PART 4 – RULES OF PROCEDURE**

### **Council Procedure Rules**

#### **CONTENTS**

##### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Questions by members
10. Motions on notice
11. Motions without notice
12. Rules of debate
13. Previous decisions and motions
14. Voting
15. Minutes
16. Record of attendance
17. Exclusion of public
18. Members' conduct
19. Disturbance by public
20. Other Rules
21. Suspension and amendment of Council Procedure Rules
22. Application to committees and sub-committees

## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors, on a date which the Council may fix. In any other year, the annual meeting will take place in March, April or May as the Council may fix.

The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present; but no member of the executive can preside, or be chairman or vice chairman of the Council.
- (ii) elect the chairman of Council (who will be entitled “Mayor”).
- (v) appoint the vice chairman of Council (who will be entitled “Deputy Mayor”).
- (vi) receive any announcements from the chairman and/or Chief Executive;
- (vii) elect the Leader and Deputy Leader of the Council.
- (viii) agree the number of members to be appointed to the executive and appoint those members of the cabinet
- (ix) appoint Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (x) agree such delegations as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council and its Committees for the year; and
- (xii) consider any business set out in the notice convening the meeting.

## **1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the council meeting shall:

- (i) decide which committees to establish for the civic year (being the period from one Annual Meeting to the next, except in the year when there are ordinary elections to the Council, in which case the Committees – and postholders and outside body appointees (in (v) below) – will run from the Annual Meeting to the date of the election);
- (ii) decide the size of, and terms of reference for, those committees;
- (iii) decide the allocation of seats, and substitutes where appropriate, to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees (including chairs and vice chairs unless referred to those committees to appoint); and also to appoint to outside bodies as appropriate.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader, members of the Cabinet or the Chief Executive;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports/proposals from the Executive and the Council's committees and receive questions and answers on any of those reports/proposals;

(vii) consider motions; and

(viii) consider any other business specified in the summons to the meeting.

The chairman may vary the order of business.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings.**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

i) the Council by resolution;

ii) the chairman of the Council;

iii) the head of paid service, the chief financial officer or monitoring officer; and

iv) any five members of the Council if they have signed a requisition presented to the chairman of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

#### **4.1 Allocation**

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members.

#### **4.2 Number**

If it does this, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee unless the committee is not subject to political balance rules (as for example in the case of the Standards Committee). Substitutions shall otherwise be on the basis that in the absence of any member from a particular group, the substitute member shall be from the same political group, except however that the council may also resolve unanimously that the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989 do not apply to a particular

Committee, including insofar as any subsequent use of appointed substitutes are concerned under this rule.

#### **4.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### **4.4 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the Chief Executive by the start of the meeting of the intended substitution.

### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **7. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee and sub-committee meetings, references to the chairman also include the chairman of committees and sub-committees.

## **8. QUORUM**

8.1. Subject to the provision set out in paragraph 8.3. below the quorum of a meeting will be one quarter of the whole number of members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. In no case will the quorum of a Council Committee or Sub Committee be less than 3 members entitled to vote.

8.2. Where the Council have made provision for remote attendance at a meeting in conformity with Section 4(4) of the Local Government (Wales) Measure 2011 that there is deemed to be no quorum at any time where the number of Members in remote attendance is equal to, or greater than, the number of Members in actual attendance.

8.3. The quorum for a meeting of the Authority's Planning Committee will be  $\frac{1}{2}$  (50%) over the whole number of members of that Committee.

## **9. QUESTIONS BY MEMBERS**

### **9.1 On reports of the Executive or Committees**

A member of the Council may ask the Leader or the chairman of a Council committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

### **9.2 Questions on notice at full Council**

Subject to Rule 9.4, a member of the Council may ask:

- the chairman of the council
- a member of the Executive
- the chairman of any committee

a question on any matter in relation to which the Council has powers or duties or which affects the area.

### **9.3 Questions on notice at committees**

Subject to Rule 9.4, a member of a committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee.

### **9.4 Notice of questions**

A member may only ask a question under Rule 9.2 or 9.3 if either: (a) they have given at least 1 working days notice in writing of the question to Chief Executive or

(b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the Chief Executive not later than 2 hours before the start of the meeting.

### **9.5 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **9.6 Supplementary question**

A member asking a question under Rule 9.2 or 9.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **10. MOTIONS ON NOTICE**

### **10.1 Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 members, must be delivered to the Chief Executive not later than eight clear days before the date of the meeting. These will be entered in a book open to public inspection.

### **10.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### **10.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the area.

### **10.4 Honorary Freeman/Women**

No motion proposing that a decision be made under Section 249 (5) of the Local Government Act 1972 (Honorary Freeman or Honorary Freewoman) may be submitted to full Council except by a Motion on Notice under Rule 10.1 above to be considered at a meeting of Council convened for that purpose”.

## **11. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item



on the summons for the meeting;

(f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular council procedure rule, or other rule where so permitted

(n) to exclude the public and press in accordance with the Access to Information Procedure Rules;

(o) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3; and

(p) to give the consent of the Council where its consent is required by this Constitution.

## **12. RULES OF DEBATE**

### **12.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **12.2 Right to require motion in writing**

Unless notice of the motion has already been given, the chairman may require it to be written down and handed to him/her before it is discussed.

### **12.3 Seconder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

#### **12.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman.

#### **12.5 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### **12.6 Amendments to motions**

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(f) No amendment may be made to a motion submitted under Rule 10.4. the purpose of which is to admit any person as an honorary freeman or honorary freewoman other than the person named in a Motion on Notice submitted under that rule.

### **12.7 Alteration of motion**

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

### **12.8 Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **12.9 Right of reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### **12.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3.

#### **12.11 Closure motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **12.12 Point of order**

A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. It is not concerned with the arguments or principles or correctness or incorrectness of statements made in the course of debate. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

#### **12.13 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.

### **13. PREVIOUS DECISIONS AND MOTIONS**

#### **13.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 2 members.

### **13.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 2 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **14. VOTING**

### **14.1 Majority**

Unless otherwise determined by statute, any matter will be decided by a simple majority of those members present and voting at the time the question was put.

### **14.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

### **14.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **14.4 Ballots**

The vote will take place by ballot if a simple majority of members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

### **14.5 Recorded vote**

If one-sixth of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

#### **14.6 Right to require individual vote to be recorded**

*(Mandatory provision under the Local Authorities (Standing Orders)(Wales) Regulations 2006).*

Where, immediately after a vote is taken at a meeting, any member so requires, there must be recorded in the minutes of the proceedings of that meeting whether that person cast a vote for the question or against the question or whether that person abstained from voting. In this paragraph, a meeting means of the Council, a committee or sub-committee of the Council or a relevant joint committee or sub-committee of such a committee.

#### **14.7 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

#### **14.8 – Promote or oppose private bills in Parliament**

Any decision to promote or oppose a private bill in Parliament or in the National Assembly for Wales must be made in accordance with Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013.

### **15. MINUTES**

#### **15.1 Signing the minutes**

The chairman will sign the minutes of the proceedings at the next suitable meeting. The only part of the minutes that can be discussed is their accuracy.

#### **15.2 Signing minutes - extraordinary meetings**

*(Mandatory provision under the Local Authorities (Standing Orders) (Wales) Regulations 2006).*

Where in relation to any meeting, the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) must be treated as a

suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule.

## **16. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

## **18. MEMBERS' CONDUCT**

### **18.1 Chairman standing**

When the chairman stands during a debate, any member speaking at the time must stop. The meeting must be silent.

### **18.2 Member not to be heard further**

If a member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **18.3 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **18.4 General disturbance**

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.



## **19. DISTURBANCE BY PUBLIC**

### **19.1 Removal of member of the public**

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

### **19.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared.

## **20. OTHER RULES**

### **20.1 Welsh Language**

In all proceedings of the Council, the Welsh Language and English language shall have the same status and validity, with appropriate advance notification being required for simultaneous translation facility requirements.

### **20.2 Recording of Proceedings**

With the exception of the Annual Meeting, or otherwise resolved by the Council, the taking of photographs or the oral recording of proceedings whilst they are taking place of any meeting of the Council shall be prohibited.

### **20.3 Petitions**

Any public petitions must be delivered by the organisers, or any members, to the relevant Directorate; delivery of same must not take place during the actual meeting of the Council, or a Committee.

### **20.4 Interpretation of Council Rules.**

The ruling of the chairman as to the construction or application of any of the Council rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

## **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **21.1 Suspension**

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **21.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **22. PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS**

Members of the public attending Planning Committee meetings shall be entitled to address the Committee in accordance with the Council's Protocol for speaking at meetings of its Planning Committee.

## **23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

Rules 4 to 21 inclusive apply to the meetings of non-executive Council Committees and Sub-Committees (including the Audit, Standards and Scrutiny Committees).

Rules 16 to 20 inclusive also apply to meetings of the Cabinet and Cabinet Committees