

PART 4 – RULES OF PROCEDURE

Council Procedure Rules

1. DEFINITIONS

- (1) In these rules of procedure, unless the context otherwise demands, the following terms have the meaning assigned to them:

"the 1972 Act" -	the Local Government Act 1972;
"the 1989 Act" -	the Local Government and Housing Act 1989;
"the 1994 Act" -	the Local Government (Wales) Act 1994;
“the 2000 Act” -	the Local Government Act 2000;
"Council" -	the Gwynedd Council acting by any means which it may lawfully adopt;
"committee" -	the Board, a committee of the Council, including an area committee, but not including an advisory committee or joint committee.
"sub-committee" -	a sub-committee of a committee or a sub-committee of the Board.
"area committee" -	a committee constituted on the basis of a specific geographical area
"rules of procedure committee" -	the Resources and Corporate Committee or other committee or sub-committee as specified by the Council from time to time to deal with matters arising from these rules of procedure.
"meeting" -	a meeting of the Council, a committee or a sub-committee as the case may be;
"person presiding" -	the person entitled, or appointed, to preside at any meeting;
"member" -	in relation to the Council, a member of the Council; in relation to any committee or sub-committee a person appointed as a member of that committee or sub-committee, whether or not entitled to vote;
"the whole number of members" -	in relation to the Council, the total number of persons who may become members of the Council, disregarding any person who is a member of the Council only by virtue of section

	22(3) or section 24(2) of the 1972 Act as amended by the 1994 Act (chairman and vice-chairman to remain members until replaced);
"number of members" -	in relation to the Council, the number of persons who may act at the time in question as members of the Council, and, in relation to a committee or sub-committee, the number of persons who may act at the time in question as voting members of that body;
"political group" -	a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 No. 1553 (and amended by Amending Regulations).
"majority group" -	a political group to which belong either:- (i) more than half of the members of the Council; or (ii) exactly half of the number of members of the Council, including the chairman of the Council;
"minority group" -	a political group which, (i) is not that majority group; and (ii) is designated as such by a resolution of the Council;
"leader of a political group" -	the leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 (and amended by Amending Regulations).
"leader of the Council" -	if there is a majority group among the members of the Council, the leader of that group; otherwise, such person as the Council shall so designate by resolution;
"leader of the portfolio" -	the leader of the relevant portfolio as so designated by the Council Board;
"employee" -	an employee of the Council or the holder of a paid office under the authority other than the chairman, vice-chairman and any local officer of dignity appointed by the Council under powers conferred by a royal charter;
"chief officer" -	a statutory or a non-statutory chief officer, as defined in section 2 of the 1989 Act;
"head of the authority's paid service" -	the person designated as such under section 4 of the 1989 Act;

"monitoring officer" -	the person designated under section 5 of the 1989 Act (designation and reports of monitoring officer) or, if that person is unable to act owing to absence, illness or other good reason, the person nominated as his/her deputy under subsection (7) of that section;
"chief financial officer" -	the person designated under section 151 of the 1972 Act (designating an officer to be responsible for the administration of the Council's financial affairs) or, if that person is unable to act owing to absence, illness or other good reason, the person nominated as his/her deputy under section 114(6) of the Local Government Finance Act 1988;
"proper officer" -	the monitoring officer of the authority except in relation to summonses for meetings of the following:- <ul style="list-style-type: none"> (i) the Council, for which the chief executive is the proper officer; (ii) committees and sub-committees dealing with the appointment of staff other than chief officers, for which the head of human resources is the proper officer;
"without comment" -	in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the motion;
"senior officer" -	any officer holding the post of senior officer (SO) or higher.

- (2) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular, and the masculine includes the feminine and the feminine the masculine.
- (3) Any reference in any rule of procedure to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that rule of procedure bearing that number.
- (4) Any reference in any rule of procedure to "day" or "days" means a Council working day and does not include the day on which the notice was given or the day of the meeting to which the notice refers.

2. ANNUAL MEETING OF THE COUNCIL.

(2) 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. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the chairman of Council;
- (iii) elect the vice chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chairman and/or head of the paid service;
- (vi) appoint the Board;
- (vii) appoint the Principal Scrutiny Committee, and between 3 and 8 other Scrutiny Committees;
- (viii) appoint a Standards Committee, a Planning Committee and a Licensing Committee and, within the scope of the Assembly Regulations, such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are functions of the Board;
- (ix) agree the scheme of delegation (as set out in part 3, of this constitution)
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting.

(2) Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

3. 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, chairman of the Board or head of paid service;
- (v) receive written questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Board and the Council's committees and receive questions and answers on any of those reports;

- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions; and
- (x) consider any other business specified in the summons to the meeting, including consideration of proposals from the Board in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate.

4. **EXTRAORDINARY MEETINGS**

(1) **Calling extraordinary meetings.**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the chairman of the Council;
- (iii) the Board by resolution;
- (iv) the Chief Executive
- (v) the monitoring officer; and
- (vi) 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.

(2) **Business**

(i) If any person decides to call an extraordinary meeting of the Council, he/she shall signify to the proper officer that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The proper officer shall thereupon ensure that the notices and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent to all members of the Council and all persons entitled to receive the papers.

(ii) any requisition under paragraph (2)(i) may be presented by being left with the proper officer.

5. **APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

(1) **Whenever**

- (i) the Council is required to review the allocation of seats on committees between political groups, or
- (ii) the Council resolves to carry out such a review, or
- (iii) a committee is required to review the allocation of seats on a sub-committee between political groups, or
- (iv) a committee resolves to carry out such a review,

the proper officer shall submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.

- (2) In the light of such a report, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.
- (3) Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly on receipt of a written request from or on behalf of the political group.
- (4) Every committee may appoint sub-committees for such purposes as it think fit, in accordance with the 2000 Act and regulations made thereunder, provided that no standing sub-committee or sub-committee of the Board may be appointed without the approval of the Council granted after consideration of a report by the standing committee.
- (5) The chairman and vice-chairman of the Council may attend and speak (but may not vote) at a meeting of a committee or sub-committee of which they are not voting members (with the exception of the Council Board).
- (6) The person appointed to preside at the meetings of a committee, and his/her deputy, may attend and speak at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting member.
- (7) Subject to paragraph (9) of this rule, a member of the Council who is not otherwise entitled to attend and speak at a committee or sub-committee or during a site visit shall be entitled to do so (but not to vote) at a meeting of the committee or sub-committee, or in the case of (iii) below during a site visit (when he/she will be entitled to vote)
 - (i) during the consideration of any motion of which notice has been given which he/she has moved or seconded at a meeting of the Council and which has been referred to that committee or sub-committee; or
 - (ii) with the agreement of the person presiding at the meeting of the committee or sub-committee; or
 - (iii) during the consideration of any matter which affects his/her electoral division.
- (8) No member of the public, their representatives or representatives of outside bodies shall have the right to speak unless they have received an invitation from ***the person presiding at the meeting or in accordance with a procedure adopted by one of the Council's committees or sub-committees***
- (9) Paragraphs (5) and (6) above shall not apply to meetings of any committee or sub-committee sitting to hear an appeal or complaint by any member of the public or staff or which is considering any case involving the disciplining of staff or which has been established solely to consider any specific matter.
- (10) Committee and officer of the Council must conform to the financial arrangements made by the Council under Section 151 of the 1972 Act.

6. TIME AND PLACE OF MEETINGS

- (1) The time and place of meetings will be determined by the proper officer and notified

in the summons.

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- (2) (i) If a requisition for a special meeting of a committee or sub-committee, signed by at least three, or one quarter of the number of members of a committee or sub-committee, whichever is greater, has been presented to the person appointed to preside at their meetings, and
 - (ii) either he/she has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, any three, or one quarter of the number, of the members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.
- (3) If any person decides to call a special meeting of a committee or sub-committee, he/she shall forthwith give notice that he/she has done so to the proper officer, specifying the business proposed to be transacted. The proper officer shall forthwith give notice to all members of the committee or sub-committee and all persons entitled to receive the papers.
 - (4) Any requisition under paragraph (3) may be presented by being left with the proper officer.

7. NOTICE OF AND SUMMONS TO MEETINGS

- (1) The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Committee Information Procedure Rules. At least five clear days before a meeting, the proper officer 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.
- (2) If the person presiding at a meeting of a committee or sub-committee, as appropriate, permits the discussion of an item of business which had not been included on the agenda for the meeting, because of its urgent nature, he should note it at the start of the meeting and it should be taken according to the direction of the person presiding.
- (3) Subject to any directions given by the person appointed to preside at the meeting of the committee or sub-committee, the items of business shall be arranged in such order as the proper officer thinks will best ensure the effective despatch of business.
- (4) In respect of each meeting of a committee or sub-committee the proper officer shall consult the person appointed to preside at the meeting to ascertain whether he/she wishes to convene either of the following two meetings, i.e:-
 - (i) a meeting between him/her and the person appointed to preside at the meeting, in his /her absence, the chief officers specified by such person, and the proper officer for the purpose of settling the agenda, and/or
 - (ii) a meeting with the same persons for a final briefing for the meeting.

8. CHAIRING OF MEETING OF COUNCIL.

- (1) 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.

- (2) At a meeting of the Council the chairman, if present, shall preside
- (3) No member shall be permitted to hold office as chairman for a period exceeding one year commencing with the annual Council, with the exception of a member who has been in office as chairman during the period of one year since the previous annual Council.
- (4) If the chairman is absent from a meeting of the Council, then the vice-chairman of the Council, if present, shall preside.
- (5) If the chairman and vice-chairman of the Council are absent from a meeting of the Council then another member of the Council chosen by the members of the Council present shall preside.
- (6) If it is necessary to choose a member of the Council to preside in the absence of the chairman and vice-chairman, the proper officer shall call on a member of the Council to move that a member of the Council to be named by that member shall take the chair.
- (7) If discussion arises on that motion, the proper officer shall exercise and maintain order at the meeting.
- (8) The motion, and any amendments, shall be put to the meeting in accordance with rule 19(8) (voting on appointments).
- ~~(9) No member of the public, their representatives or representatives of outside bodies shall have the right to speak unless they have received an invitation from the person presiding at the meeting to attend and speak.~~

9. CHAIRING OF COMMITTEES AND SUB-COMMITTEES.

- (1) Subject where appropriate to paragraphs (5) and (6) each committee and sub-committee (except the Board) at their first meeting after the annual meeting of the Council shall, from among their voting members who are members of the Council (but after its main committee meets first in respect of a sub-committee), appoint a person to preside at their meetings for the ensuing year, and shall, in the same way, appoint a person to preside in the absence of the first person.
- (2) If the persons appointed under paragraph (1) are absent, a meeting of a committee or sub-committee shall appoint, from among the voting members present who are members of the Council, a person to preside at that meeting.
- (3) Whenever it is necessary for the committee or sub-committee to appoint a person to preside, the proper officer shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting.
- (4) The motion, and any amendments, shall be put to the meeting in accordance with rule 19(8) (voting on appointments).
- (5) No member shall serve as chairman or vice-chairman of more than one committee. This provision shall not prevent a member who is a chairman or vice-chairman of a committee from taking the chair of a committee under paragraph (2).

- (6) (i) The total maximum period for which a member can hold the office of chairman or vice-chairman of a particular committee is two years (except the Chairman of the Board who will hold office for so long as he/she is Leader of the Council and the Vice-Chairman of the Board who will hold office until the date of the next ordinary Council elections), with the exception of a member who has held the post of chairman during the period of one year since the first meeting following the previous annual Council meeting.
- (ii) A member who has held the office of chairman of a particular committee for the period referred to under the previous sub-paragraph cannot hold the office of vice-chairman of that committee during the year following the termination of his/her office, unless such person has not held the office of Chairman for the maximum period permitted under Rule 6(i) above. The Office may be held for a period of one year and will be limited to one exception only.

10. **QUORUM**

- (1) The quorum of a meeting will be one quarter of the whole number of voting 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.
- (2) No business shall be transacted at any meeting of a committee or sub-committee unless at least one quarter of the number of voting members of the committee or sub-committee, as the case may be, are present, provided that in no case shall any business be transacted unless at least three voting members are present except in the case of a sub-committee comprising less than 5 members when the quorum shall be two voting members.

11. **OPPOSITION PRIORITY BUSINESS.**

- (1) This standing order applies where there is a majority group among the members of the Council.
- (2) A minority group may require, by a notice in writing given to the proper officer not later than the latest time for the receipt of notices of motion for that meeting, that any one item of business to be placed on the agenda for any meeting of the Council shall be treated as opposition priority business.
- (3) Where the proper officer receives more than one such notice for any meeting, she/he shall decide which notice shall be effective so as to ensure that as far as possible each minority group's share of such notices which are effective fairly reflects the relative sizes of those groups in the period since the last annual meeting of the Council.
- (4) The proper officer shall indicate on the agenda which (if any) item of business is to be treated as opposition priority business.

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- (5) If an item of business is to be treated as opposition priority business, and if, after a period of two hours from the commencement of the meeting, consideration of that item has not begun, that item shall be taken next after the conclusion of the business then under discussion.

12. **QUESTIONS BY MEMBERS**

- (1) On reports of the Board or other committees

A member of the Council may ask the chairman of the Board, the portfolio leader or the chairman of a committee or sub-committee any question without notice upon an item of report of the Board or other committee when that item is being received or under consideration by the Council.

- (2) Questions on notice at full Council

Subject to Rule 12(4), a member of the Council may ask:

- the chairman of the Council;
- the chairman of the Board;
- the portfolio leader; or
- the chairman of any committee or sub-committee

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

- (3) Questions on notice at committees and sub-committees

Subject to Rule 12(4), a member of a committee or sub-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 or sub-committee.

- (4) Notice of questions

A member may only ask a question under Rule 12(2) or 12(3) if either:

- (i) he/she has given at least 2 days notice in writing of the question to the proper officer; or
- (ii) the question relates to an urgent matter, 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 proper officer at least 4 hours before the meeting.

- (5) Any member of the Council shall have, whether or not he is a member of the committee or sub-committee, and any other member of the relevant committee or sub-committee and which is relevant to his electoral division,

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- (i) if 2 days' written notice have been given to the proper officer, the right to ask of the chairman of the committee or sub-committee, any question related to the business of that committee or sub-committee
 - (ii) at the discretion of the chairman of the committee or sub-committee, the right to ask him any question on an urgent matter, notice of which had not been given, subject to the receipt by the proper officer of a copy of the said question at least 2 hours before the meeting.
- (6) Response
An answer may take the form of:
- (i) a direct oral answer;
 - (ii) ***with the consent of the member asking the question, a written answer.***
 - (iii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iv) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (7) Supplementary question

A member asking a question under Rule 12(2), 12(3) or 12(5) may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

- (8) No more than 30 minutes may be spent on questions pursuant to Rule 12(2) at any one meeting of the Council. If questions remain unanswered at the expiration of that time, the questions and answers shall be circulated in a written form to the members and press and included in due course in the minutes of the meeting. In the case of committees or sub-committees no more than 15 minutes may be spent on questions.

13. MOTIONS ON NOTICE

- (1) Any member of the Council may give notice of not more than one motion for consideration at any meeting of the Council, but may in addition give notice of a motion that there should be no automatic reference to committee.
- (2) The leader of the Council (if any) may give notice of more than one motion for consideration at any meeting of the Council.
- (3) Notice of every motion to be moved at a meeting of the Council other than a motion which, under rule 14, may be moved without notice shall be given in writing, signed by the member or the members of the Council giving the notice. The notice shall state for which meeting of the Council the notice is given.
- (4) Notice of every motion of which notice is required shall be delivered to the proper officer at least ten days before the day of the meeting for which the notice is given unless the person presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, in which case at least 24 hours notice of the motion shall be given.

- (5) The proper officer shall not accept any notice of motion which, by reason of any enactment or any provision in these rules of procedure other than paragraph (9) below, could not be considered at the meeting for which it is given.
- (6) The proper officer shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every member of the Council.
- (7) Every motion shall be relevant to some matter in relation to which the authority have functions, or which affects the area of the authority, or part of it. ~~or the inhabitants of that area, or some of them.~~
- (8) A motion shall only be moved by a member by whom notice has been given, or by a member authorised by such a member.
- (9) Where notice of a motion has been given for any meeting, and that motion is neither moved (for whatever reason) nor deemed to have been referred to a committee, the notice shall lapse, and the motion shall not be moved without further notice.
- (10) Subject to paragraph (11) below, where a notice of motion has been given for any meeting, and that motion is within the terms of reference of any committee of the authority, the motion shall be deemed to have been referred by that meeting to the next meeting of the committee or committees within whose terms of reference it falls.

A memorandum appended to the minutes of that meeting shall record the references that are deemed to have been so made. If any question arises as to the committee to which the motion is to be referred, it shall be determined by the chairman of the Council.

- (11) Where a motion has been referred, or is deemed to have been referred, to a meeting of a committee, that committee shall consider it at their next meeting and shall either report upon the motion to the next meeting of the Council, or include their views upon the motion in their next report to the Council.
- (12) Notwithstanding paragraph (10), but subject to the provisions of the Education Act 1944 and the Local Authorities Social Services Act 1970, a motion may be considered without first being referred to a committee if the Council so resolve on a motion, of which notice under paragraph (1) above has been given, but which shall be moved, seconded, and put without comment.
- (13) If notice is given under this standing order of any motion which, in the opinion of the proper officer, could properly be moved as an amendment to a motion for adoption of a recommendation of a committee which will be before the Council, it shall not be accepted or placed on the agenda without the consent of the chairman of the Council. In the event of non-acceptance the proper officer shall so inform the member giving the notice.

14. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (i) to appoint a chairman of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to extend the time limit for speeches;
- (v) to refer something to an appropriate body or individual;
- (vi) to appoint a committee or member arising from an item on the summons for the meeting;
- (vii) to receive reports or adopt recommendations of committees or officers and any resolutions following from them;
- (viii) to withdraw a motion;
- (ix) to amend a motion;
- (x) to proceed to the next business;
- (xi) that the question be now put;
- (xii) to adjourn a debate;
- (xiii) to refer a petition which has been presented to the Council to a committee for consideration;
- (xiv) to adjourn a meeting;
- (xv) motions arising from correspondence or other items specified in the summons to the meeting;
- (xvi) to suspend a particular Council procedure rule;
- (xvii) to exclude the public and press in accordance with the Access to Committee Information Procedures;
- (xviii) to not hear further a member named under Rule 24(3) or to exclude him/her from the meeting under Rule 24(4); and
- (xix) to give the consent of the Council where its consent is required by this Constitution.

15. PRESENTATION OF PETITIONS

- (1) At a meeting of the Council committee or area committee any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- (2) A member wishing to present a petition shall give notice of his/her intention to do so to the proper officer before the beginning of the meeting at which he/she wishes to present it.
- (3) The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- (4) Petitions shall be presented in the order in which notice of them is received by the proper officer.

16. RULES OF DEBATE

(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.

(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.

(3) **Seconders' speech**

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

(4) **Content and length of speeches**

(i) Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes in the case of the mover of the motion, or 5 minutes in the case of any other speaker, without the consent of the chairman.

(ii) The local member for the area which covers the establishment or the land under discussion shall have the right to speak for 10 minutes.

(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:

(i) to speak once on an amendment moved by another member;

(ii) to move a further amendment if the motion has been amended since he last spoke;

(iii) if his 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);

(iv) in exercise of a right of reply;

(v) on a point of order; or

(vi) by way of personal explanation.

(6) **Amendments to motions**

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

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and insert or add others; or

(ch) to insert or add words,

as long as the effect of (b) to (ch) is not to negate the motion.

- (ii) Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the meeting shall have disposed of every amendment previously moved.

~~(a) unless notice has been given by the proposer before the amendment prior to it has been put to the vote; or~~

~~(b) until the meeting shall have disposed of every amendment previously moved.~~

- (iii) If an amendment is not carried, other amendments to the original motion may be moved.
- (iv) 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.
- (v) 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.

(7) Alteration of motion

- (i) 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.
- (ii) 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.
- (iii) Only alterations which could be made as an amendment may be made.

(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.

(9) Right of reply

- (i) 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.
- (ii) 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.
- (iii) The mover of the amendment has no right of reply to the debate on his or her amendment.

(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:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn the debate;
- (vi) to adjourn the meeting;
- (vii) to exclude the public and press in accordance with the Access to Committee Information Procedures; and
- (viii) to not hear further a member named under Rule 24(3) or to exclude them from the meeting under Rule 24(4).

(11) Closure motions

- (i) A member may move, without comment, the following motions at the end of a speech of another member:
 - (a) to proceed to the next business;
 - (b) that the question be now put;
 - (c) to adjourn the debate; or
 - (ch) to adjourn the meeting.
- (ii) 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 for not more than 3 minutes and then put the procedural motion to the vote. If that motion is carried, the original motion shall lapse.
- (iii) 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 for not more than 3 minutes before putting his/her motion to the vote.
- (iv) 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) Point of order

A member may raise a point of order at any time. The chairman will hear him/her

immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. 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.

(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.

(14) Language

- (i) In all meetings the Welsh language and the English language shall have the same status and validity.
- (ii) All persons shall have the right when speaking in any meeting to speak in either Welsh or English.
- (iii) The Head of Administration and Public Protection shall arrange for instantaneous translation from Welsh into English (and from English into Welsh when requested) to be provided at all meetings.
- (iv) In the absence of instantaneous translation the business of a meeting may proceed, but the person presiding shall ensure, at the request of any member (including the speaker) that the exact words of any motion, amendment, question, answer or point of order and at least the substance of any speech or comment are translated provided that any inadvertent failure to comply with this rule, or any inadvertent error in translation, shall not invalidate any resolution.

17. AREA COMMITTEES

- (1) The Council may not, other than with the agreement of an area committee, terminate the committee or amend arrangements in place regarding the committee made under the scheme as approved originally or agreed subsequently with the committee and nothing in section 101(4) of the 1972 Act (the authority's power to perform any functions otherwise performed by a committee) shall be interpreted as authorising the Council to perform any functions to be undertaken by the committee except as provided by the scheme.
- (2) In the event of the Council requiring a temporary suspension of any arrangements in force with respect to an Area Committee established in accordance with the scheme, the Council must obtain a resolution passed by not less than two thirds of the members of the Council, including not less than one tenth of the voting members of the relevant Area Committee at a meeting of the Council at which at least half of the number of the members of the Council are present.
- (3) Each person who is a member of the Council for an electoral division within the area which is served by an area committee shall have the right, on request, to be a member of that committee.

- (4) The Area Committee shall have the power to establish sub-committees from amongst those members who are members in accordance with their rights under paragraph (3) of this rule or who could be members under the same paragraph.
- (5) (i) If the Area Committee makes or purports to make a decision which in the view of the chief executive (as head of the paid service), the monitoring officer or the head of finance (as chief financial officer) which is contrary to law, or is likely to lead to a legal challenge or a challenge by the Council's auditors or would entail maladministration within the terms of reference of the Commissioner for Local Administration in Wales, the officer concerned shall give formal notice to the Area Committee of his intention to submit a written report on the matter to the Council and when such notice is given:-
- (a) no steps or further steps shall be taken to action the decision under consideration; and
 - (b) the matter shall be referred automatically to the Council for decision;
 - (c) in order to avoid confusion, the Council shall have the authority to decide at once on any matter referred to it under this paragraph despite any provision to the contrary in this rule.
- (ii) If the Area Committee makes or purports to make a decision which, in the view of the relevant head of service, after consulting with the chief executive, the chairman of the area committee, the chairman of any relevant area sub-committee and the chairman of the relevant standing committee, which entails or is likely to entail the diversion from or contravention of any policy agreed by the Council, relevant standing committee or the area committee or national directive by the Government in any way which could damage the Council, the officer concerned shall give notice to the Area Committee of his intention to submit a written report on the matter to the appropriate committee and when such notice is given:-
- (a) no steps or further steps shall be taken to action the decision under consideration and
 - (b) the matter shall be referred automatically to the appropriate committee for decision.
- (iii) Any dispute arising from the following:-
- (a) whether a matter is one for the Council (or appropriate committee) or area committee;
 - (b) which area committee is responsible for any specific matter;
- shall be referred to the Council for decision.

18. PREVIOUS DECISIONS AND MOTIONS

(1) Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the *previous six months or a motion or amendemnt or similar to one which has been rejected within the previous six months cannot* notice of motion is signed by at least 15 members, be *moved unless it has been* referred back for further consideration by the relevant Scrutiny Committee in accordance with its rules of procedure.

~~(2) Motion similar to one previously rejected~~

~~A motion or amendment in similar terms to one that has been rejected in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.~~

19. VOTING

(1) Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

(2) 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.

(3) Equality of votes

If there are an equal number of votes for and against, and the proper officer is presiding under Rule 9(3) or the chairman chooses not to use his/her second or casting vote, the matter will be decided by the drawing of lots.

(4) Show of hands

Unless a secret ballot or recorded vote is demanded under Rules 19(5) and 19(6), the chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

(5) Secret Ballots

The vote will take place by ballot if at least two thirds of the voting members present at the meeting demand it. The chairman will announce the result of the ballot immediately the result is known.

(6) Recorded vote

If at least one quarter of the voting 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 ballot will override a demand for a recorded vote.

(7) **Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

(8) **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. In multiple elections votes cast for fewer candidates than the number of vacancies shall be invalid.

20. **MINUTES**

(1) **Signing the minutes**

The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

(2) **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

(3) **Form of minutes**

Minutes will contain all decisions taken by the meeting in the same form and order the chairman put them. All minutes will be in Welsh and English.

21. **REFERENCE-UP OF DECISIONS**

- (1) Where a relevant matter has been voted on by a committee or a sub-committee, and immediately following the declaration of the result of the vote a resolution under this rule is proposed and approved by no less than one third of the voting members present at the time it must be referred for decision,
 - (i) in the case of a decision of a committee (with the exception of an area committee), to the next competent meeting of the Council, and
 - (ii) in the case of a decision by an area committee or sub-committee, to the next competent meeting of the relevant committee.

~~(2) A decision on a matter referred under paragraph (1) shall take effect only when reviewed and approved~~

~~(i) by the Council, where the decision was taken by a committee, and~~

~~(ii) by the relevant committee, where the decision was taken by an area committee or a sub-committee.~~

(3) Nothing in paragraphs (1) or (2) above shall be construed as preventing a matter referred to a committee (other than a joint committee) under paragraph (1)(ii) from being referred by that committee to the Council under paragraph (1)(i).

(4) In paragraphs (1) and (2) a relevant matter is a matter ***which is contrary to the policy framework or which is contrary to or not entirely consistent with the Council's budget.***

~~(i) a committee, area committee or sub-committee of the Council in pursuance of arrangements made under section 101 of the 1972 Act or the 2000 Act.~~

~~(ii) a social services committee established under section 2, or, subject to paragraph (3) above, section 4, of the Local Authorities Social Services Act 1970;~~

other than:

- a matter concerning the appointment of or disciplinary action against or dismissal of an officer of the Council;
- a matter in relation to which the committee, area committee or (as the case may be) the sub-committee has heard representations from any person other than a member or officer of the Council;

(2) If 15 members of the Council give written notice by letter, fax, e-mail or form under this rule to the appropriate officer not later than 5 working days after the meeting where the decision was made (or in the case of the Council Board not later than 5 working days after the despatch of the decision notices) that they wish a decision on a relevant matter to be referred up, it shall be referred for decision

(i) in the case of a decision of a committee, to the next competent meeting of the Council;

(ii) in the case of a decision of an area committee or a sub-committee, to the next competent meeting of the appropriate committee. In any area committee, paragraph (5) shall not be applicable in the case of planning applications.

(5) A decision on a matter referred under paragraphs ***(1) or (2)*** shall not come into force until it is reviewed and approved

(i) by the Council, in the case of a decision of a committee;

(ii) by the appropriate committee, in the case of a decision of an area committee or a sub-committee.

22. **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.

23. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Committee Information Procedures in Part 4 of this Constitution or Rule 25 (Disturbance by Public).

24 **MEMBERS' CONDUCT**

(1) **Standing to speak**

When a member speaks at full Council he/she must stand and address the meeting through the chairman. If more than one member stands, the chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

(2) **Chairman standing**

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

(3) **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.

(4) **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.

(5) **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.

25. **DISTURBANCE BY PUBLIC**

(1) **Removal of member of the public**

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If he/she continues to interrupt, the chairman will order his/her removal from the meeting room.

(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.

(3) **Additional Powers**

The powers conferred by this rule are in addition to any other powers which the person presiding may lawfully exercise.

26. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

(1) **Suspension**

All of these Council Procedure Rules except Rules 4, 10, 17, 19(1)-(6), 20(2) and 21 - 26 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council or committee or sub-committee are present. Suspension can only be for the duration of the meeting.

(2) **Amendment**

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

27. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 1, 5-7, 9, 10, 12, **14-17, 19-26**, 28 and 29 (but not Rule 24(1)) apply to meetings of committees and sub-committees and the Board.

28. **PAPERS AND ADVICE**

- (1) A copy of every paper which is circulated to members for consideration at a meeting of a committee or sub-committee shall be sent to the chief officers or heads of service of the Council who are concerned in the work of that committee or sub-committee.
- (2) Any question as to which chief officers are concerned with the work of any committee or sub-committee shall be determined by the proper officer.
- (3) All agenda, reports, other documents and deliberations of committees and sub-committees shall remain confidential until they are made public under the Council's normal procedure.
- (4) Before they conclude their consideration of any question, every committee and sub-committee shall, at his/her request, afford a chief officer who is entitled to receive papers under this standing order (or another officer nominated by him/her) an opportunity for him/her or his/her representative to advise on that question, either in writing or orally.

- (5) Where the Council considers a matter which has not previously been the subject of consideration by a committee or sub-committee and of a report by that body to the Council, the person presiding at the meeting at which the matter is considered shall ensure that the question is not put to the vote before any chief officer (including the head of the authority's paid service) whose responsibilities relate to the matter under consideration and who asks for such an opportunity has had an opportunity for him/her or his/her representative to advise the Council on the matter.
- (6) Every agenda, report and other document produced by the Council itself for any meeting of the authority shall be in Welsh and English.

29. ACCESS TO DOCUMENTS, INFORMATION AND LAND.

- (1) In addition to the rights of members of the Council under section 100F of the 1972 Act, but subject to paragraph (2) below, the following persons shall be entitled on application to the proper officer to inspect any documents or have access to other information of the following descriptions:

- (i) any member of the Council or other member (whether voting or not) of any committee or sub-committee:

- (a) any document in the possession or under the control of the Council which relates to any matter in relation to which a committee or sub-committee of which he/she is a member may discharge a function of the Council or advise the body which appointed them;
- (b) any other recorded information, not in the form of a document, in the possession, or under the control, of the Council which is necessary for the proper discharge of his/her functions as a member of such a committee or sub-committee;

- (ii) any member of the Council:

any other document or other recorded information in the possession, or under the control, of the Council access to which is necessary for the proper discharge of his/her functions as a member of the Council; provided that

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he/she has a pecuniary interest;
- (b) a person may be refused the right to inspect a document within paragraph (i)(a) which it is not necessary for him/her to inspect for the purposes of the proper discharge of his/her functions as a member of the committee or sub-committee in question, if there is good reason why such inspection should be refused;
- (c) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the Council.

- (2) In the case of any document other than a document to which the rights under section 100F of the 1972 Act apply, and in any case of information which is not in the form of a document, if the proper officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Council or as a member of a committee or sub-committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he /she may refuse the person concerned access to the document or information in question.
- (3) This rule shall not prevent the proper officer (or solicitor acting on behalf of the Council) from refusing permission to inspect any document which is, or which may be in a legal case, defined by a relationship of trust between a solicitor and his client.
- (4) Where a member inspects a document under the rights conferred by section 100F of the 1972 Act or this rule, and the Council may lawfully make a copy of that document, he/she shall be entitled, on request, to be given a copy of that document: provided that
 - (i) a reasonable charge shall be made for the copy unless the proper officer otherwise directs;
 - (ii) a copy may be refused if the proper officer considers that it is impracticable to make a copy.
- (5) If any member of the Council or any other member of a committee or sub-committee is dissatisfied with any determination of a proper officer under section 100F of the 1972 Act or under this rule, he/she may refer the question to the Board which will, after considering any representations that the person in question or the proper officer may wish to make, determine whether or not to uphold the proper officer's determination.
- (6) No member of the Council and no other member (whether voting or non-voting) of a committee or sub-committee shall have any claim by virtue of his/her position:
 - (i) to enter any land or buildings occupied by the Council to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the chief officer responsible for the service of the Council for which the land or buildings are occupied. Unless the chief officer is of the opinion that there is a good reason why such access should be denied, he/she shall give permission but can place conditions on that permission including in particular a condition whereby a specified officer of the Council shall accompany the member;
 - (ii) to exercise any power of the Council to enter or inspect other land or buildings, except where specifically authorised to do so by the Council;
 - (iii) to exercise any other power of the Council;
 - (iv) to issue any order with respect to any works which are being carried out by, or on behalf of, the Council, or with respect to any goods or services which are being, or might be, purchased by the Council.

- (7) For the purposes of this rule if a person has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and that matters were to be considered by the Council, he/she shall declare the interest as soon as practicable after commencement of the meeting and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (8) Where any information is given to any person (including a member of the Council or any other member of a committee or sub-committee) by the Council or by one of its employees in the course of transacting any business of the Council, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the Council.