

## SECTION 4 – FULL COUNCIL

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### Introduction

4.1 The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

### The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

Plan, Scheme and Strategy	Reference
• Children and Young People's Plan;	• <b>Regulations made under Section 26 of the Children Act 2004 (c.31)</b>
• Best Value Performance Plan;	• <b>Section 6(1) of the Local Government Act 1999 9c.27)</b>
• Community Strategy;	• <b>Section 4 of the Local Government Act 2000 (c.22)</b>
• Crime and Disorder Reduction Strategy;	• <b>Sections 5 and 6 of the Crime and Disorder Act 1998 9c.37)</b>
• Health and Well-Being Strategy;	• <b>Section 24 of the National Health Service Reform and Health Care professions Act 2002 9c.17)</b>
• Local Transport Plan;	• <b>Section 108 of the Transport Act 2000 (c.38)</b>
• Plans and alterations which together comprise the Development Plan;	• <b>Section 10A of the Town and Country Planning Act 1990 (c.8)</b>
• Welsh Language Scheme;	• <b>Section 5 of the Welsh Language Act 1993 (c.38)</b>
• Youth Justice Plan;	• <b>Section 40 of the Crime and Disorder Act 1998 (c.37)</b>
• Powers to approve a Young People's Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	• <b>Section 123, 124 and 125 of the Learning and Skills Act 2000 (c.21)</b>
• Housing Strategy;	• <b>Section 87 of the Local Government Act 2003 (c.26)</b>
• Rights of Way Improvement Plan;	• <b>Section 60 of the Countryside and Rights of Way Act 2000 (c.37)</b>
• Pay Policy	• <b>Section 38(1) of the Localism Act 2011</b>

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• Single Integrated Plan

• **Part 2 – Local Government (Wales) Measure 2009<sup>1</sup>**

### **The Single Integrated Plan (The One Powys Plan)**

4.3 This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People’s Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

### **The Budget**

4.4 The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council’s overall revenue budget and overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

### **Housing Land Transfer**

4.5 Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for a programme either:

4.5.1 by Full Council to dispose of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993: or

4.5.2 to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

### **Functions of the Full Council**

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Single Integrated Plan (The One Powys Plan), Policy Framework, the Budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

4.6.6 making appointments of Chairs of the Scrutiny and Democratic Services committees of the Council. The Chair of a Scrutiny Committee and the Democratic Services Committee may be removed from office by a motion to

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<sup>1</sup> Welsh Government Guidance “Shared Purpose – Shared Delivery” to Part 2 of the Local Government (Wales) Measure 2009 Rules 37 to 46.

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- remove to Council which is put on the agenda pursuant to Rule 4.38.1.
- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
  - 4.6.8 changing the name of the area or conferring the title of freedom of the County;
  - 4.6.9 making or confirming the appointment of the ~~Head of Paid Service~~Chief Executives and other Chief Officers<sup>2</sup>;
  - 4.6.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
  - 4.6.11 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
  - 4.6.12 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
  - 4.6.13 appointing representatives to outside bodies unless the appointment has been delegated by the Council.
  - 4.6.14 to determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

### Membership

- 4.7 All Councillors shall be members of Full Council.
- 4.8 Substitution is not possible at meetings of the Council.

### Chairing the Council

### Appointment And Term Of Office Of Chair, Vice-Chair And Assistant Vice-Chair Of Council

- 4.9 The County Council will at every Annual Meeting elect from amongst its Councillors:
  - 4.9.1 The Chair of the County Council;
  - 4.9.2 The Vice-Chair of the County Council;
  - 4.9.3 The Assistant Vice-Chair of the County Council.

and the Councillors so elected will hold office until the following Annual Meeting; they resign; are dismissed by a vote of Full Council upon a Motion on Notice; cease to be a member of the Council; or are unable to act as a member of the Council due to he/she being suspended or disqualified from being a Councillor under Part 3 of Local Government Act 2000.

- 4.10 The post of Chair, Vice Chair and Assistant Vice Chair will be nominated by Councillors in Montgomeryshire, Radnorshire and Brecknockshire in rotation.
- 4.11 In the event of a vacancy occurring between Annual Meetings the County Council will appoint a new Chair, Vice-Chair or Assistant Vice-Chair (as the case may be) at an ordinary meeting following the occurrence of the vacancy.

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<sup>2</sup> Defined in Section 2.2.2

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### **Role and Function of the Chair**

4.12 The Chair of the Council and in his/her absence, the Vice Chair or Assistant Vice Chair will have the following roles and functions:

#### ***Ceremonial Role***

4.12.1 The Chair of the Council:

- 4.12.1.1 is the civic leader of Powys County Council ;
- 4.12.1.2 promotes the interests and reputation of the Council and the geographic area of Powys as a whole and acts as an ambassador for both; and
- 4.12.1.3 undertakes civic, community and ceremonial activities and fosters community identity and pride.

#### ***Responsibilities of the Chair***

4.12.2 The Chair of the Council will:

- 4.12.2.1 uphold and promote the purpose of the Constitution, and to interpret the Constitution with advice from the Monitoring Officer when necessary;
- 4.12.2.2 preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors with regards to their (a) participation in the affairs of Council; (b) access to documentation and information in accordance with Section 14; and (c) the interests of the Community;
- 4.12.2.3 ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet and Committee chairs to account;
- 4.12.2.4 ensure public involvement in the Council's activities;
- 4.12.2.5 be the conscience of the Council; and

#### ***Political Neutrality***

4.12.3 The Chair, Vice-Chair and Assistant Vice-Chair of the Council during their periods of office will not be actively involved with any political group to which they belong.

4.12.4 The Chair, the Vice-Chair, the Assistant Vice-Chair of the Council, cannot be a member of the Cabinet .

### **Council Meetings**

4.13 There are three types of Council meeting:

- 4.13.1 the Annual Meeting;
- 4.13.2 ordinary meetings; and
- 4.13.3 extraordinary meetings

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### Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in Rules 4.15 onwards will apply to meetings of the Full Council. Unless otherwise indicated, those rules marked:

♣	will apply to Cabinet and Cabinet Committees
▲	will apply to committee and sub-committee meetings (with the exception of the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990)
■	will apply to the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990

### Council Procedure Rules - Annual Meeting of the Council

#### Timing and Business

4.15 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. Every Annual Meeting will:

- 4.15.1 elect a person to preside if the Chair of the Council is not present. A member of the Cabinet cannot preside over a meeting of Council<sup>3</sup>;
- 4.15.2 elect the Chair of the Council (subject to 4.10 above);
- 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
- 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
- 4.15.5 receive declarations of interest
- 4.15.6 receive apologies for absence
- 4.15.7 decide on any amendments to the Constitution<sup>4</sup> recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the ~~Head of Paid Service~~ Chief Executive;
- 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
- 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
- 4.15.11 decide on the allocation of seats on political balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989

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<sup>3</sup> Schedule 12, Local Government Act 1972 (as amended)

<sup>4</sup> Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution are subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, 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 under this Constitution;

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- 4.15.12 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and to make appointments accordingly
- 4.15.13 appoint the Scrutiny Committees , Democratic Services Committee, Planning, Taxi-Licensing and Rights of Way Committee, Licensing Act 2003 Committee, Employment and Appeals Committee, Pensions and Investment Committee a Standards Committee and such other committees and sub-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 Section 13 of this Constitution);
- 4.15.14 allocate the Chairs of Scrutiny Committees to the relevant political groups and to note the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee<sup>5</sup>
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
  - Lay Member of the Governance and Audit Committee; and
  - Co-Opted Members of the Scrutiny Committee;
- 4.15.17 receive from the Leader any changes to the scheme of delegations (as set out in Section 13 of this Constitution);
- 4.15.18 to approve a Schedule of Members' Remuneration for the next ensuing financial year
- 4.15.19 consider any business set out in the notice convening the meeting.
- 4.15.20 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes PROVIDED ALWAYS that in allowing such urgent business the Chair shall have regard to the fact that the Annual Meeting of the Council is normally a civic / ceremonial occasion;
- 4.15.21 receive from political groups nominations of Councillors to serve on the Brecon Beacons National Park Authority and to make appointments accordingly
- 4.15.22 appoint 3 Councillors to the Welsh Local Government Association.
- 4.15.23 appoint 1 Councillor to the Welsh Local Government Association Co-Ordinating Committee
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.
- 4.16 The order of business, with the exception of Rule 4.15.1 may be altered by the Chair or decision of Council
- 4.17 Additional agenda items for the Annual Meeting next following the ordinary election of Councillors:
- 4.17.1 Receive a report from the Returning Officer as to the Councillors elected;
- 4.17.2 Elect the Leader \*\*;

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<sup>5</sup> Regulation 14(1) of Local Government Measure (Wales) 2011

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- 4.17.3 Appoint Councillors to the Standards Committee \*\*;
- 4.17.4 Make appointments of Councillors in accordance with the political balance requirements to:
- Police and Crime Panel \*\*;
  - Mid and West Wales Fire and Rescue Authority \*\*;

\*\* Unless terminated earlier in accordance with this Constitution, this election / appointment will be for a term expiring at the next ordinary council elections.

### Ordinary Meetings

4.18 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council provided that the Chief Executive and Monitoring Officer shall have authority, subject to consultation with the Chair of Council, to change the date or time of any meeting, if such change is necessary in the interest of the convenient or efficient dispatch of the Council's business. The order of business at ordinary meetings will be as follows:

- 4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council<sup>6</sup>;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee<sup>7</sup>
- 4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:
- 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
  - 4.18.7.2 Leader;
  - 4.18.7.3 Independent Member of Standards Committee;
  - 4.18.7.4 Appoint Lay Member of the Governance and Audit Committee and Co-Opted Members of the Scrutiny Committee;
  - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):
- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements

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<sup>6</sup> Schedule 12, Local Government Act 1972 (as amended)

<sup>7</sup> Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, 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 under this Constitution

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- of the Local Government and Housing Act 1989; and
- 4.18.8.2 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and make appointments accordingly; and
- 4.18.8.3 allocate the Chairs of scrutiny committees to the relevant political groups and to note the appointments to those Chairs made by the political groups in accordance with the Local Government (Wales) Measure 2011;
- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
- 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies s/he has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
- 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
- 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
- 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
- 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
- 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
- 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
- 4.18.18 receive any petitions
- 4.18.19 deal with any outstanding business from the last Council meeting
- 4.18.20 receive and consider recommendations from the Cabinet and the Council's committees
- 4.18.21 consider motions of which appropriate notice has been given;
- 4.18.22 receive questions submitted in accordance with Rule 4.30 (Questions on Notice), and answers in response to those questions.
- 4.18.23 consider and debate any major issue which is relevant to the Council and its functions, for example a "state of the county" debate
- 4.18.24 to receive the report of the Monitoring Officer setting out any changes by the Leader in the scheme of delegation and executive functions
- 4.18.25 consider any business set out in the notice convening the meeting
- 4.18.26 other business, not specified in the summons as the Chair considers urgent,



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- subject to the nature of the urgency being specified in the minutes
- 4.18.27 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules in Section 14.
- 4.18.28 To consider annual reports received from the Standards Committee within three months of receipt.
- 4.18.29 The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
- 4.18.30 No meetings of the Council, or its committees (other than Committees, Sub-Committees or Panels dealing with planning, licensing and employment matters), shall be held in the month of August, unless circumstances so require.

### Extraordinary Meetings

#### Calling Extraordinary Meetings

- 4.19 The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:
- 4.19.1 the Council by resolution;
- 4.19.2 the Chair of the Council;
- 4.19.3 The Leader;
- 4.19.4 The ~~Head of Paid Service~~ Chief Executive;
- 4.19.5 The Monitoring Officer or the Section 151 Officer;
- 4.19.6 any five Councillors if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### Business

- 4.20 The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Chair may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

### Time, Place and Duration of Meetings

#### Time and Place of Meetings

- ♣ ▲ ■<sup>8</sup>4.21 The time and place of meetings will be determined by the Chief Executive in consultation with the Chair and notified in the summons. ♣ ▲ ■<sup>9</sup>

#### Duration of Meetings

- ♣ ▲ ■<sup>10</sup>4.22 At ordinary meetings, when 8 hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the

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<sup>9</sup> See Rule 4.14

<sup>10</sup> See Rule 4.14

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disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### Notice, Summons and Agenda of Meetings

- ♣ ▲ ■<sup>11</sup>4.23.1 The Chief Executive will give notice to the public (Notice) of the time and place by publishing it on the Council's website at least 3 clear days before a meeting. The Chief Executive will send a summons signed by him/her to every Councillor by post and / or by leaving it at their usual place of residence and / or by electronic means including a link to the Members' website.
- 4.23.2 Where the meeting or part of the meeting is open to the public and is held through remote means only the Notice, will give details of the time of the meeting and how to access it;
- 4.23.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and how to access it;
- 4.23.4 Where the meeting is not open to the public and is held partly through remote means or is not held through remote means, the Notice will give details of the time and place of the meeting and the fact that it is not open to the public;
- 4.23.5 Where the meeting is not open to the public and is held through remote means only, the Notice will give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.<sup>12</sup>
- 4.23.6 The agenda and connected reports (which are not exempt pursuant to Section 14) for all Council meetings will be published on the Council's website and where an item is added to an agenda which has been published on the website, the item (or the revised agenda), and any report for the meeting relating to the item, must be published on the website from the time the item is added to the agenda.<sup>13</sup>

### Chair of Meeting

- 4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council
- ▲ ■<sup>14</sup>4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save

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<sup>11</sup> See Rule 4.14

<sup>12</sup> Regulation 4 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

<sup>13</sup> Regulation 5 - Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

<sup>14</sup> See Rule 4.14

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where the Chair of Committee has been appointed by Council by the Full Council in accordance with Rules 4.15.14, 4.15.15 or Rule 4.18.7.5.

- ▲ ■<sup>15</sup>4.23.3 Whenever present the Chair of a Committee / Sub-Committee elected in accordance with Rule 4.24.2 above will chair meetings. In his / her absence the Vice-Chair of the Committee / Sub-Committee will take the chair. In the absence of the Chair and Vice-Chair the Committee / Sub-Committee will elect a Councillor to preside over the meeting. The person presiding at the meeting may exercise any power or duty of the Chair.

### Conduct of Meeting

- ♣ ▲ ■<sup>16</sup>4.25 The Chair shall conduct the meeting to secure a proper, full and effective debate of business items where a decision is required and a committee or sub-committee has not previously considered the matter. The steps the Chair may take include:

- ♣ ▲ ■<sup>17</sup>4.25.1 calling for more time to allow the speaker to properly explain the matter;
- ♣ ▲ ■<sup>18</sup>4.25.2 permitting a Member to speak more than once;
- ♣ ▲ ■<sup>19</sup>4.25.3 allowing employees of the Council to advise the meeting as appropriate, having regard to the provisions of Rules 4.94 and 4.95 below;
- ♣ ▲ ■<sup>20</sup>4.25.4 allowing a full discussion of reports and matters for decision;

### Quorum

- ♣ ▲ ■<sup>21</sup> <sup>22</sup>4.26 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### Remote Attendance

- ♣ ▲ ■<sup>23</sup>4.27.1 Pursuant to Section 47 of the Local Government and Elections (Wales) Act 2021, Members may attend meetings by remote means..

- 4.27.2<sup>24</sup> For the purposes of Rule 4.27.1 above ““remote means” has the following meaning namely a meeting held by means of any equipment or other facility which enables persons who are not in the same place to

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<sup>15</sup> See Rule 4.14

<sup>16</sup> See Rule 4.14

<sup>17</sup> See Rule 4.14

<sup>18</sup> See Rule 4.14

<sup>19</sup> See Rule 4.14

<sup>20</sup> See Rule 4.14

<sup>21</sup> See Rule 4.14

<sup>22</sup> For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

<sup>23</sup> See Rule 4.14

<sup>24</sup> Regulation 2 – Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended

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Speak to and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other)

### Questions by Councillors

#### On Minutes, Reports or Statements of the Cabinet or Committees

4.28 A Member of the Council may ask the Leader, Cabinet member or the Chair of a Committee / Sub-Committee any question without notice directly **arising from an item in the minutes** (whether or not that minute has been approved as a true record at a subsequent meeting of the Cabinet or Committee / Sub-Committee), report or statements of the Cabinet / Cabinet member or a Committee / Sub-Committee, when that item is being received or is under consideration by the Council.

#### Questions from Members

4.29A Subject to Rule 4.30, a Councillor may ask on Notice at Full Council:

4.29.1 the Chair;

4.29.2 a member of the Cabinet;

4.29.3 the chair of any committee or sub-committee;

4.29.4 nominated Councillors of the Fire and Rescue Authority or the Brecon Beacons National Park Authority or the Police and Crime Panel

a question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C

4.29B In addition to questions put under Rule 4.29A above a Councillor may ask the Leader or a Portfolio Holder a written question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

4.29C In addition to questions put under Rules 4.29A and 4.29B above a Councillor may ask the relevant Head of Service a written question on any operational matter at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

#### Notice of Questions

4.30 A Councillor may ask a question under Rule 4.29 if either:

4.30.1 written notice of the question has been received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered; or

4.30.2 the question relates to urgent matters, they have the consent of the Chair and the Councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer by 5 p.m. on the day prior to the meeting.

#### Maximum Number of Questions

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4.31 A Councillor may ask only two questions (including any urgent question(s)) under Rule 4.29 except with the consent of the Chair of the Council. With the consent of the Chair of Council a Member may substitute an urgent question for a question that has already been raised provided that the urgent question complies with Rule 4.30.2.

### **Order of Questions**

4.32 Questions of which notice has been given under Rule 4.29 will be listed on the agenda in the order determined by the Chair of the Council.

### **Rejection of Questions**

4.33 Questions under Rule 4.29 may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

- 4.33.1 are not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;
- 4.33.2 are defamatory, frivolous or offensive;
- 4.33.3 are substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;
- 4.33.4 concern an item of business which is the subject of a report to the meeting;
- 4.33.5 disclose confidential or exempt information where there is no demonstrable need to know;
- 4.33.6 are based on opinion where the factual basis for the opinion is not detailed in the question
- 4.33.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer.

### **Withdrawal of Questions**

- 4.34.1 A question of which notice has been given can only be withdrawn with the consent of the person asking the question;
- 4.34.2 If the Monitoring Officer considers that a response to a submitted question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Councillor concerned to ascertain whether the Councillor agrees that the question could be withdrawn.
- 4.34.3 A question which has been withdrawn under Rule 4.34.1 may only be reinstated provided that Rule 4.30 has been adhered to.

### **Responses**

- 4.35 A response to a question or supplementary question may take the form of:
  - 4.35.1 a direct oral answer at the meeting or if it is more appropriate to supply the answer in written form, a written answer should be circulated at the meeting or later to the questioner and other Councillors (if requested). Where an oral answer is given the response shall last for no longer than 5 minutes.
  - 4.35.2 where the desired information is in a publication of the Council or other published work, by reference to that publication,

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### Supplementary Question

4.36 A Councillor asking a question under Rule 4.29 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The Councillor asking the supplementary question may speak for no longer than 1 minute. The speech must not amount to a response or comment upon the response provided under Rule 4.35 above.

### Motions on Notice

#### Notice

4.37.1 Except for motions which can be moved without notice under Rule 4.42 and in cases of urgency under Rule 4.43, written notice of every motion, must be received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered.

4.37.2 Each motion must have one Member to propose and another Member to second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing to the Monitoring Officer that they are proposing or seconding the motion.

#### Motion Set Out in Agenda

4.38.1 Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

4.38.2 If an issue arises at a meeting of a committee as to the appointment, promotion, dismissal, salary, superannuation or Conditions of Service, or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided on the exercise of the power of exclusion of the public under the terms of the Access to Information Rules set out in Section 14.

#### Scope

4.39 Motions may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

4.39.1 are not about a matter for which the Council has a responsibility and which affects the wellbeing of the administrative area of the Council;

4.39.2 are defamatory, frivolous or offensive;

4.39.3 are substantially the same as a motion which has been put at a meeting of the Full Council in the past six months;

4.39.4 concern an item of business which is the subject of a report to the meeting;

4.39.5 disclose confidential or exempt information where there is no demonstrable need to know;

4.39.6 are based upon a legally inaccurate premise;

4.39.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer;

4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to

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application of the Call-In rules set out in Section 7.

4.39.9 are not accompanied by a costed analysis of the financial and resource implications that motion, would have on the Council, should it be approved

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### Appointment and Removal of the Leader

4.40.1 The following process will be followed for the appointment of the Leader:

- 4.40.1.1 The Chair will ask for written nominations;
- 4.40.1.2 The Chair will declare the number of nominations for each candidate and where a candidate has been nominated by more than 1 Councillor they will be deemed to have had their nomination seconded. For candidates with a single nomination, the Chair will ask for a seconder from the floor of Council;
- 4.40.1.3 Those nominated will be asked whether they accept or refuse the nomination;
- 4.40.1.4 In the event of there being a single candidate, there will be a secret ballot and the Chair will have a casting vote.
- 4.40.1.5 In the event of there being more than 1 candidate, all candidates will be asked to leave the Chamber and each candidate will be invited, in alphabetical / surname order to separately make a presentation of up to 5 minutes to Council.
- 4.40.1.6 After all presentations have been made there will be a vote by secret ballot. Where no candidate receives a majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives a majority. If the bottom 2 candidates have the same number of votes, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote as to the candidate to be eliminated.
- 4.40.1.7 For the avoidance of doubt in the event of the last 2 candidates having the same number of votes, the Chair will have a casting vote as to which candidate is appointed as Leader.

4.40.2 The Leader may be removed by a Notice on Motion which has a simple majority of those Councillors voting and present in the room at the time the question was put.

4.40.3 A motion to remove the Leader cannot be moved more than once in any rolling 6 month period.

### Two Motions per Councillor

4.41 No Councillor may give notice of more than 2 motions for any Council meeting, except with the consent of the Chair. Following debate and / or amendments a motion will be taken as a single motion.

### Motions without Notice

4.42 The following motions may be moved without notice:

- ♣ ▲ ■<sup>25</sup>4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ♣ ▲ ■<sup>26</sup>4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ■<sup>27</sup>4.42.3 to change the order of business in the agenda;

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<sup>25</sup> See Rule 4.14

<sup>26</sup> See Rule 4.14



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- ♣ ▲ ■<sup>28</sup>4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ■<sup>29</sup>4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ■<sup>30</sup>4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ■<sup>31</sup>4.42.7 to withdraw a motion;
- ♣ ▲ ■<sup>32</sup>4.42.8 to amend a motion;
- ♣ ▲ ■<sup>33</sup>4.42.9 a closure motion under Rule 4.54
- 4.42.10 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)<sup>34</sup>;
- ♣ ▲ ■<sup>35</sup>4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ■<sup>36</sup>4.42.12 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- 4.42.13 to give the consent of the Council where its consent is required by this Constitution.
- ♣ ▲ ■<sup>37</sup>4.42.14 urgent motions, provided the requirements of Rule 4.43 is satisfied.

### Urgent Motions

- 4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been received by the Monitoring Officer by 5.00 p.m. on the day prior to the Council meeting
- 4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;
- 4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:
- 4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and
  - 4.43.3.2 the motion requires an urgent decision in the public interest which cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.
- 4.43.4 In all cases, the reason for the urgency shall be clearly stated on the motion, and the Chair will explain to the Council the reason why he or she has accepted a motion not listed on the agenda as urgent

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<sup>27</sup> See Rule 4.14

<sup>28</sup> See Rule 4.14

<sup>29</sup> See Rule 4.14

<sup>30</sup> See Rule 4.14

<sup>31</sup> See Rule 4.14

<sup>32</sup> See Rule 4.14

<sup>33</sup> See Rule 4.14

<sup>34</sup> See Rule 2.10

<sup>35</sup> See Rule 4.14

<sup>36</sup> See Rule 4.14

<sup>37</sup> See Rule 4.14

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### Rules of Debate

#### No Speeches until Motion Seconded

♣ ▲ ■<sup>38</sup>4.44 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion which s/he has moved by notice.

#### Right to Require Motion in Writing

♣ ▲ ■<sup>39</sup>4.45 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

#### Secunder's Speech

♣ ▲ ■<sup>40</sup>4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### Content and Length of Other Speeches

4.47.1 Non aligned Members and a nominated principal speaker from each Political Group will be able to speak on each motion with all Members having a right to speak to raise additional or different issues in the debate.

▲ ■<sup>41</sup>4.47.2 Speeches in accordance with 4.47.1 above must be directed to the motions under discussion or to a personal explanation, point of order or right of reply. The proposer of a motion may speak for no more than 10 minutes; otherwise no speech may exceed 5 minutes without the consent of the Chair.

#### When a Member may Speak Again

♣ ▲ ■<sup>42</sup>4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- ▲ ■<sup>43</sup>4.48.1 to speak once on an amendment moved by another Member;
- ▲ ■<sup>44</sup>4.48.2 to move a further amendment if the motion has been amended since he last spoke;
- ▲ ■<sup>45</sup>4.48.3 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 spoke was carried);
- ▲ ■<sup>46</sup>4.48.4 in exercise of a right of reply;
- ▲ ■<sup>47</sup>4.48.5 on a point of order; and
- ▲ ■<sup>48</sup>4.48.6 by way of personal explanation.

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<sup>38</sup> See Rule 4.14

<sup>39</sup> See Rule 4.14

<sup>40</sup> See Rule 4.14

<sup>41</sup> See Rule 4.14

<sup>42</sup> See Rule 4.14

<sup>43</sup> See Rule 4.14

<sup>44</sup> See Rule 4.14

<sup>45</sup> See Rule 4.14

<sup>46</sup> See Rule 4.14

<sup>47</sup> See Rule 4.14

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### Amendments to Motions

♣ ▲ ■<sup>49</sup>4.49.1 Subject to Rules 4.49.2 to 4.49.9 below an amendment to a motion must be relevant to the motion and will either be:

♣ ▲ ■<sup>50</sup>4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;

♣ ▲ ■<sup>51</sup>4.49.1.2 to leave out words;

♣ ▲ ■<sup>52</sup>4.49.1.3 to leave out words and insert or add others; or

♣ ▲ ■<sup>53</sup>4.49.1.4 to insert or add words or additional recommendations;

♣ ▲ ■<sup>54</sup>4.49.1.5 to substitute another proposition which is committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting.

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate or would otherwise change the material substance of the original motion.

♣ ▲ ■4.49.2.1 Subject to Rule 4.49.2.2 below, Amendments in accordance with Rule 4.49.1.2 to 4.49.1.4 (adding, removing or substituting words), will only be allowed if committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting

4.49.2.2 Rule 4.49.2.1 above does not apply to amendments to Budget proposals and no amendment to a Budget Proposal (including an alternative budget proposal) will be allowed after the date for publication by the Section 151 Officer of the Cabinet Budget and any alternative Budgets for the Council Budget Setting Meeting as set out in the timetable published by the Section 151 Officer in accordance with Rule 15.3, except for amendments which arise during the course of the debate and do not negate or change the material substance of the original proposal in accordance with Rule 4.49.4

♣ ▲ ■4.49.3 Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.

♣ ▲ ■4.49.4 The Chair will have a general discretion to allow any amendments which do not have the effect of negating or would otherwise change the material substance of the original motion, in circumstances where the Chair in his / her absolute discretion considers the amendment has arisen out of the debate.

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<sup>48</sup> See Rule 4.14

<sup>49</sup> See Rule 4.14

<sup>50</sup> See Rule 4.14

<sup>51</sup> See Rule 4.14

<sup>52</sup> See Rule 4.14

<sup>53</sup> See Rule 4.14

<sup>54</sup> See Rule 4.14

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- ▲ ■<sup>55</sup>4.49.5 Each amendment will be proposed, seconded, committed to writing and handed to the Chair;
- ♣ ▲ ■<sup>56</sup>4.49.6 Only one amendment may be moved and discussed at any one time and strictly in the order of receipt. No further amendment may be moved until the amendment under discussion has been decided.
- ♣ ▲ ■<sup>57</sup>4.49.7 If an amendment is not carried, other amendments to the original motion may be moved.
- ♣ ▲ ■<sup>58</sup>4.49.8 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.
- ♣ ▲ ■<sup>59</sup>4.49.9 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### Alteration of Motion

- ♣ ▲ ■<sup>60</sup>4.50.1 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- ♣ ▲ ■<sup>61</sup>4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49. may be made.

### Withdrawal of Motion

- ♣ ▲ ■<sup>62</sup>4.51 A Member may withdraw a motion which he 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.

### Right of Reply

- ♣ ▲ ■<sup>63</sup>4.52.1 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.
- ♣ ▲ ■<sup>64</sup>4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.
- ♣ ▲ ■<sup>65</sup>4.52.3 A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion. Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a

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<sup>55</sup> See Rule 4.14

<sup>56</sup> See Rule 4.14

<sup>57</sup> See Rule 4.14

<sup>58</sup> See Rule 4.14

<sup>59</sup> See Rule 4.14

<sup>60</sup> See Rule 4.14

<sup>61</sup> See Rule 4.14

<sup>62</sup> See Rule 4.14

<sup>63</sup> See Rule 4.14

<sup>64</sup> See Rule 4.14

<sup>65</sup> See Rule 4.14

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proposition has been voted on except on a point of order relating to it.

### Procedural Motions which may be Moved During Debate

♣ ▲ ■<sup>66</sup>4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:

- ♣ ▲ ■<sup>67</sup>4.53.1 to withdraw a motion;
- ♣ ▲ ■<sup>68</sup>4.53.2 to amend a motion;
- ♣ ▲ ■<sup>69</sup>4.53.3 a closure motion under Rule 4.54.5
- ♣ ▲ ■<sup>70</sup>4.53.4 to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- ♣ ▲ ■<sup>71</sup>4.53.5 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87.
- ♣ ▲ ■<sup>72</sup>4.53.6 to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

### Closure Motions

- ♣ ▲ ■<sup>73</sup>4.54.1 to proceed to the next business;
- ♣ ▲ ■<sup>74</sup>4.54.2 to ask that the question be now put;
- ♣ ▲ ■<sup>75</sup>4.54.3 to adjourn a debate; or
- ♣ ▲ ■<sup>76</sup>4.54.4 to adjourn a meeting.
- ♣ ▲ ■<sup>77</sup>4.54.5 subject to Rule 4.54.8 below, if a motion to proceed to next business under Rule 4.54.1 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- ♣ ▲ ■<sup>78</sup>4.54.6 subject to Rule 4.54.8 below, if a motion that the question be now put under Rule 4.54.2 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- ♣ ▲ ■<sup>79</sup>4.54.7 subject to Rule 4.54.8 below, if a motion to adjourn the debate or to adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- ♣ ▲ ■<sup>80</sup>4.54.8 in the event that a closure motion under Rule 4.54.1 to 4.54.4 is moved

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<sup>66</sup> See Rule 4.14

<sup>67</sup> See Rule 4.14

<sup>68</sup> See Rule 4.14

<sup>69</sup> See Rule 4.14

<sup>70</sup> See Rule 4.14

<sup>71</sup> See Rule 4.14

<sup>72</sup> See Rule 4.14

<sup>73</sup> See Rule 4.14

<sup>74</sup> See Rule 4.14

<sup>75</sup> See Rule 4.14

<sup>76</sup> See Rule 4.14

<sup>77</sup> See Rule 4.14

<sup>78</sup> See Rule 4.14

<sup>79</sup> See Rule 4.14

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and seconded, the following procedure will apply in the order set out below:

- 4.54.8.1 the closure motion will be voted upon without further debate;
- 4.54.8.2 if an amendment has been moved and seconded before a closure motion has been passed by Full Council, that amendment must be discussed immediately but will be subject to the following restrictions:
- The debate on the amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
  - the proposer will have a maximum of 5 minutes to speak on the amendment;
  - the relevant Portfolio Holder(s) will have a maximum of 5 minutes to speak on the amendment;
  - the seconder and all other speakers will have a maximum of 3 minutes to speak on the amendment;
- 4.54.8.3 Full Council will vote on the proposed amendment debated under Rule 4.54.8.2 above.
- 4.54.8.4 a single new amendment to the substantive motion (as amended if appropriate) will be allowed if properly seconded, but will be subject to the following restrictions:
- the first new amendment proposed and seconded will be considered and no further proposed amendments will be considered;
  - The debate on the new amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
  - the proposer will have a maximum of 5 minutes to speak on the new amendment;
  - the relevant Portfolio Holder will have a maximum of 5 minutes to speak on the new amendment;
  - the seconder and all other speakers will have a maximum of 3 minutes to speak on the new amendment;
- 4.54.8.5 the new amendment proposed in accordance with Rule 5.54.8.4 will be voted upon.
- 4.54.8.6 the substantive motion (as amended under Rule 4.54.8.2 or Rule 4.54.8.4) will be voted upon.

### Point of Order

♣ ▲ ■<sup>81</sup>4.55 A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a

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<sup>80</sup> See Rule 4.14

<sup>81</sup> See Rule 4.14

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point of order at any time by indicating to the Chair by standing that they wish to raise a point of order and waiting for the Chair to call them to speak at a convenient point at the discretion of the Chair. 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 s/he considers it has been broken. The ruling of the Chair on the matter will be final.

### Personal Explanation

♣ ▲ ■<sup>82</sup>4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

♣ ▲ ■<sup>83</sup>4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;

♣ ▲ ■<sup>84</sup>4.56.2 to reply to an allegation of misconduct made against the Member giving the explanation; or

♣ ▲ ■<sup>85</sup>4.56.3 to make an apology to the Council.

♣ ▲ ■<sup>86</sup>4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.

♣ ▲ ■<sup>87</sup>4.58 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

### Declarations of Interest

♣ ▲ ■<sup>88</sup>4.59 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration s/he shall be heard immediately and shall be allowed to make the declaration without interruption.

### Previous Decisions and Motions

#### Motion to Rescind a Previous Decision

▲ ■<sup>89</sup>4.60.1 A motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.

▲ ■<sup>90</sup>4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.

▲ ■<sup>91</sup>4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.

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<sup>82</sup> See Rule 4.14

<sup>83</sup> See Rule 4.14

<sup>84</sup> See Rule 4.14

<sup>85</sup> See Rule 4.14

<sup>86</sup> See Rule 4.14

<sup>87</sup> See Rule 4.14

<sup>88</sup> See Rule 4.14

<sup>89</sup> See Rule 4.14

<sup>90</sup> See Rule 4.14

<sup>91</sup> See Rule 4.14

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### **Motion Similar to One Previously Rejected**

- ▲ ■<sup>92</sup>4.61.1 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- ▲ ■<sup>93</sup>4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

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<sup>92</sup> See Rule 4.14

<sup>93</sup> See Rule 4.14



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### Voting

#### Majority

♣ ▲ ■<sup>94</sup>4.62 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.

#### Chair's Casting Vote

♣ ▲ ■<sup>95</sup>4.63 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### Method of Voting

♣ ▲ ■<sup>96</sup>4.64 Unless a recorded vote is demanded under Rule 4.66 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

#### Ballots

4.65.1 In respect of Full Council the vote will take place by ballot if 10 Councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

♣ ▲ ■<sup>97</sup>4.65.2 In respect of committees the vote will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

#### Recorded Vote

4.66.1 Subject to 4.66.2 below, whenever an electronic voting system is available voting at Full Council meetings shall take place by means of that electronic voting system and the votes cast by each Councillor will be made available on the Council's website upon publication of the draft minutes for that meeting.

4.66.2 In respect of Full Council if 10 Councillors present at the meeting demand it, before a vote is taken, the details of the votes cast by each Councillor will be made available to the meeting.

♣ ▲ ■<sup>98</sup>4.66.3 In respect of committees and the Cabinet if a majority of 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 together with a demand for a ballot will be voted upon by the committee.

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<sup>94</sup> See Rule 4.14

<sup>95</sup> See Rule 4.14

<sup>96</sup> See Rule 4.14

<sup>97</sup> See Rule 4.14

<sup>98</sup> See Rule 4.14

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### Right to Require Individual Vote to be Recorded

♣ ▲ ■<sup>99</sup>4.67 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### Voting on Appointments

#### Voting on appointments to external bodies and organisations

♣ ▲ ■<sup>100</sup>4.68.1 If there is one position (in an external body or organisation) to be filled by a nominee or representative of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

♣ ▲ ■<sup>101</sup>4.68.2 If there are two or more positions (in an external body or organisation) to be filled by nominees or representatives of the Council and the number of nominations exceeds the number of such positions, each Councillor of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### Voting on employee appointments

♣ ▲ ■<sup>102</sup>4.69 In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

#### Voting on Internal Councillor Appointments

♣ ▲ ■<sup>103</sup>4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:

4.70.1 the Chair / Vice-Chair / Assistant Vice-Chair of Council;

4.70.2 Leader;

♣ ▲ ■<sup>104</sup>4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;

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<sup>99</sup> See Rule 4.14

<sup>100</sup> See Rule 4.14

<sup>101</sup> See Rule 4.14

<sup>102</sup> See Rule 4.14

<sup>103</sup> See Rule 4.14

<sup>104</sup> See Rule 4.14

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- ♣ ▲ ■<sup>105</sup>4.70.4 Member of a Committee or Sub-Committee or Panel;
- ♣ ▲ ■<sup>106</sup>4.70.5 Member of any other internal Council board, panel or group with or without officers;
- ♣ ▲ ■<sup>107</sup>4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.
- ♣ ▲ ■<sup>108</sup>4.71 If there are more than two Councillors 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. Voting under this paragraph will normally be conducted by ballot paper.
- ♣ ▲ ■<sup>109</sup>4.72 Where there is a tie with two or more candidates receiving the least number of votes they both be eliminated from the voting where the addition of all the votes cast for the tied candidates would not equal or exceed the candidate with the next number of lowest votes. If the total number of votes cast for the candidates who tied would equal or exceed the next candidate, then only one of those candidates be eliminated and that decision be determined by ballot between the two.
- ♣ ▲ ■<sup>110</sup>4.73 Where there is a tie, at the end of the voting process between two candidates the Chairman shall either use his / her second or casting vote, or require the appointment to be determined by the drawing of lots.
- ♣ ▲ ■<sup>111</sup>4.74 This procedure may be varied by agreement of the meeting.

### Minutes

#### Signing the Minutes

- ♣ ▲ ■<sup>112</sup>4.75 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

#### No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- ♣ ▲ ■<sup>113</sup>4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting<sup>114</sup>, then the next following

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<sup>105</sup> See Rule 4.14

<sup>106</sup> See Rule 4.14

<sup>107</sup> See Rule 4.14

<sup>108</sup> See Rule 4.14

<sup>109</sup> See Rule 4.14

<sup>110</sup> See Rule 4.14

<sup>111</sup> See Rule 4.14

<sup>112</sup> See Rule 4.14

<sup>113</sup> See Rule 4.14

<sup>114</sup> a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

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meeting will be treated as a suitable meeting for the purposes of signing of minutes<sup>115</sup>.

### Form of Minutes

♣ ▲ ■<sup>116</sup>4.77 Save as provided below the form of the minutes will be a matter for the Chief Executive:

♣ ▲ ■<sup>117</sup>4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

♣ ▲ ■<sup>118</sup>4.77.2 Replies given to questions of which notice has been given under Rule 4.30 will be recorded in the minutes.

### Record of Attendance

♣ ▲ ■<sup>119</sup>4.78 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.

♣ ▲ ■<sup>120</sup>4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.

♣ ▲ ■<sup>121</sup>4.80 Before Members leave a meeting room before the conclusion of business the Chair shall advise that Member of the above requirement.

### Exclusion of Public

♣ ▲ ■<sup>122</sup>4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).

♣ ▲ ■<sup>123</sup>4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

### Members' Conduct

#### Declarations of Interest

♣ ▲ ■<sup>124</sup>4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a

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<sup>115</sup> paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

<sup>116</sup> See Rule 4.14

<sup>117</sup> See Rule 4.14

<sup>118</sup> See Rule 4.14

<sup>119</sup> See Rule 4.14

<sup>120</sup> See Rule 4.14

<sup>121</sup> See Rule 4.14

<sup>122</sup> See Rule 4.14

<sup>123</sup> See Rule 4.14

<sup>124</sup> See Rule 4.14

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matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.

- ♣ ▲ ■<sup>125</sup>4.83A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

### Speaking at Meetings

- ♣ ▲ ■<sup>126</sup>4.84 When a Member speaks at a meeting he/she must address the meeting through the Chair. If more than one Member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### Chair Standing

- ♣ ▲ ■<sup>127</sup>4.85 When the Chair stands during a debate, or otherwise indicates that the meeting must be silent, any Member speaking at the time must stop and all Members must be seated.

### Member not to be Heard Further

- ♣ ▲ ■<sup>128</sup>4.86 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member may not discuss or debate any further business whilst it is transacted at the meeting.

### Member to Leave the Meeting

- ♣ ▲ ■<sup>129</sup>4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair 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. If the motion is passed the named Member must leave the room forthwith.

### General Disturbance

- ♣ ▲ ■<sup>130</sup>4.88 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he thinks necessary.

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<sup>125</sup> See Rule 4.14

<sup>126</sup> See Rule 4.14

<sup>127</sup> See Rule 4.14

<sup>128</sup> See Rule 4.14

<sup>129</sup> See Rule 4.14

<sup>130</sup> See Rule 4.14

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### **Disturbance by Public**

#### **Removal of Member of the Public**

♣ ▲ ■<sup>131</sup>4.89 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

#### **Clearance of Part of Meeting Room**

♣ ▲ ■<sup>132</sup>4.90 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

#### **Filming, Audio Recording and Use of Social Media During Meetings**

♣ ▲ ■<sup>133</sup>4.91 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 14, or (c) where a meeting is being webcast.

#### **Suspension and Amendment of Council Procedure Rules (Rules 4.15 to 4.95)**

##### **Suspension**

4.92 The Council Rules of Procedure may be suspended in accordance with Rules 2.9 and 2.10.

##### **Amendment**

♣ ▲ ■<sup>134</sup>4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council PROVIDED ALWAYS that this Rule will not apply to any recommendations or report by the Democratic Services Committee concerning the variation, revocation or amendment of these Council Rules of Procedure.

##### **Officer Advice**

♣ ▲ ■<sup>135</sup>4.94 Any report placed for decision before Council should contain all necessary advice to enable Councillors to take a decision. Reports will be circulated in advance of the meeting and if a Councillor requires clarification on an issue related to the report, this should be sought prior to the meeting.

♣ ▲ ■<sup>136</sup>4.95 Further officer advice will only be available at the meeting of Council

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<sup>131</sup> See Rule 4.14

<sup>132</sup> See Rule 4.14

<sup>133</sup> See Rule 4.14

<sup>134</sup> See Rule 4.14

<sup>135</sup> See Rule 4.14

<sup>136</sup> See Rule 4.14

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with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

### **Attendance of Cabinet Members at Council Meetings**

4.96 The Leader and Cabinet members in attendance at meetings of Full Council will not sit with the other Councillors but shall sit alongside the Chair, Vice-Chair and Assistant Vice-Chair of the County Council. The only officers to sit alongside the Chair shall be the Chief Executive, Monitoring Officer and Clerk unless otherwise authorised to do so by the Chief Executive.

### **Petitions**

4.97 Where a Councillor delivers a petition to the Council in accordance with Rule 4.18.18 the Councillor may outline the request by the petitioners, the reason for the request and the number of the signatories **PROVIDED THAT** in any event the Councillor may not speak under this Rule for more than 5 minutes.

4.98 Where a member of the public delivers a petition to the Council the procedure for the receipt of that petition will be determined by the Chair of the Council.

### **All Council Seminars / Member Development Sessions**

4.99 The Chair, Vice-Chair or Assistant Vice-Chair of the Council will preside at all Council Seminars or Member Development Sessions. Cabinet members with responsibility for portfolios which are the subject of the Council Seminar / Member Development Session may assist the Chair / Vice-Chair or Assistant Vice-Chair in facilitating the seminar / development session but may not preside over such a seminar / development session unless authorised by the Chair of the Council.