

# Public Document Pack



Cyngor Sir  
**CEREDIGION**  
County Council

Neuadd Cyngor Ceredigion, Penmorfa,  
Aberaeron, Ceredigion SA46 0PA  
[www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

14 May 2021

Dear Sir/Madam

I write to inform you that a Meeting of Democratic Services Committee will be held remotely by video-conference on Friday, 21 May 2021 at 10.00 am for the transaction of the following business:

1. **Apologies**
2. **Disclosure of personal / prejudicial interests**
3. **To confirm the Minutes of the Meeting of the Committee held on 15 October 2020 and to consider any matters arising (Pages 3 - 6)**
4. **To consider a report recommending a review of the size of all Committees (Pages 7 - 8)**
5. **To consider a report on the size of the Governance and Audit Committee (Pages 9 - 12)**
6. **To consider a Report on aspects of the Local Government and Elections (Wales) Act relevant to the Democratic Services Committee (Pages 13 - 16)**
7. **To consider a Report recommending amendments to the Council's Constitution (Pages 17 - 28)**
8. **To consider a forward work programme for the remainder of 2021/22**
9. **Any other matter which the Chairman decides is for the urgent attention of the Committee**

A Translation Service will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'L Edwards'.

**Miss Lowri Edwards**  
**Corporate Lead Officer: Democratic Services**

**To: The Leader of the Council and Members of the Democratic Services  
Committee**  
**The remaining Members of the Council for information**

## **Minutes of a Meeting of the Democratic Services Committee held remotely via videoconferencing on Thursday, 15<sup>th</sup> October 2020**

**PRESENT:** Councillor Ceredig Davies (Chairman); Councillors Clive Davies, Lloyd Edwards, Gwyn James, Dai Mason and Wyn Thomas.

Councillors Keith Evans and Rhodri Evans were also in attendance.

**OFFICERS IN ATTENDANCE:** Lowri Edwards, Corporate Lead Officer: Democratic Services; Elin Prysor, Corporate Lead Officer: Legal and Governance, Nia Jones, Corporate Manager: Democratic Services; Lisa Evans, Standards and Scrutiny Officer.

(10.00am –11.15am)

1 **Procedure**

The Chairman welcomed all to the meeting.

2 **Apologies**

There were no apologies received.

3 **Disclosure of Personal and Prejudicial Interest**

There were no disclosures of interest.

4 **Minutes of the Meeting held on 20<sup>th</sup> January 2020**

It was **RESOLVED** to note the minutes of the meeting held 20<sup>th</sup> January 2020 as correct.

5 **Annual Report of the Democratic Services Committee**

Councillor Ceredig Davies, Chair of the Committee presented the report to the committee, noting that it is an annual statutory document which reflects the work of the committee during the previous municipal year. It was noted that the report will be presented to the Council on 16 October 2020.

Following discussion, it was **RESOLVED** to approve the draft Democratic Services Committee Annual Report for presenting to Council on 16<sup>th</sup> October 2020.

6 **Report on Holding Remote Meetings**

The Corporate Lead Officer, Democratic Services presented the report to the committee, noting the present circumstances due to the Coronavirus outbreak is not unique to Ceredigion. However due to exceptional insight, Ceredigion County Council held its Annual General Meeting prior to the lockdown in March of this year.

She noted that Ceredigion County Council had conducted an extensive review of the various systems and mechanisms for holding remote meetings, and decided upon 'zoom' as it provides a mechanism for

translation. Meetings resumed during the Summer, and a full programme of meetings were re-convened from September onwards.

It was noted that the system, planning and support is resource intensive, and as such agendas and reports are provided to Members electronically. Only one Councillor receives printed documents at present, and whilst it is appreciated that this can be challenging, there has been no negative feedback.

It was noted that the 6 month rule in relation to attendance is still in force, however attendance by remote meetings has been higher than that of the Council Chamber, and there are no concerns relating to this. It was confirmed that meetings at the Chamber would not resume whilst the Welsh Government advice is to work from home where possible, and whilst the number of COVID-19 cases in Ceredigion higher now than at the time of the original lockdown. Members of the public and the press are able to join meetings remotely, and the Council and Cabinet meetings are live-streamed as-spoken or with translation from Welsh to English, via facebook.

It was confirmed that a revised specification for extending the webcast provision in the Council Chamber was due to go out to tender, and that further information would be provided to the Committee when available.

Members noted that the attached supporting documents were extremely useful, and asked whether additional funding for resources were required. It was also noted that video footage had been provided during Development Control Committee meetings as site meetings cannot take place at present. Councillor Ceredig Davies thanked the staff for their work, acknowledging that there would be improvements to the technology with time.

Members raised concerns regarding meetings of Community Councils, and were advised to contact 'Un Llais Cymru' for advice.

Prior to the meeting, Councillor Keith Evans had submitted a query in relation to investigating the possibility of providing a group high speed broadband / fibre contract for all Councillors and Senior Officers of the Council, potentially as a pilot scheme. It was confirmed that a request would be sent to ICT Services to look into this matter. Councillor Clive Davies, Member Champion for IT noted that he will be meeting with the Head of 'Openreach' next week and will discuss this. In addition, it was noted that Peter Williams from Welsh Government will be attending the next Overview and Scrutiny Corporate Resources meeting regarding Broadband coverage.

Following discussion is was **RESOLVED** to ask ICT to look into the possibility of providing a broadband group account.

7 **The results of the annual self-evaluation of Overview and Scrutiny Survey**

The Standards and Scrutiny Officer, Democratic Services presented the report to the committee.

It was noted that the number of respondents was twenty-five; however, the responses on the whole were reassuring. On the recommendation of this committee, the number of questions had been reduced to 9 with an aim to increase participation, however this had not happened.

Councillor Ceredig Davies noted his disappointment with the low level of responses as this is an opportunity for Members to convey their views. He noted that there was only one individual that was unhappy, and took it that those who did not respond were satisfied.

He referred to the timings of Committees, acknowledging that each time a review is held, they majority have asked for the current pattern to continue. It was noted that attending remote meetings is less demanding on the time of those who work during the day and that there would be additional challenges to holding remote meetings outside of office hours.

Following discussion is was **RESOLVED** to approve the Annual Overview and Scrutiny Self-Evaluation report.

8 **Forward work programme for 2021**

Consideration was given to the forward work programme for 2021, and it was noted the progression of the Local Government Bill through the Senedd had been suspended for a period due to COVID-19; however this would resume over the next few weeks.

It was **RESOLVED** to approve the forward work programme as presented.

9 **Any other matter which the Chairman decides is for the urgent attention of the Committee**

Prior to the meeting, Councillor Keith Evans had submitted a query in relation to recording absenteeism due to changes to the date of committees. Councillor Ceredig Davies acknowledged that the COVID-19 outbreak had placed a lot of additional pressure on Officers, and changes had been inevitable.

It was noted that currently absences due to Members attending other meetings as representatives of Ceredigion County Council were recorded; however a statement could be added to the report to recognise this, and it was also recommended that Councillors record this information in their Annual Reports.

Two other queries had been submitted relating to road closures identified as 'Safe Zones' and responses to issues submitted via 'Clic'. It was noted that the details of these queries may not be relevant to this Committee and that both matters will be discussed by the relevant Overview and Scrutiny Committees. Councillor Ceredig Davies however noted that this committee is responsible for ensuring that Members are notified and informed on procedural matters generally.

**Confirmed at the Meeting of the Democratic Services Committee held on  
xxx**

**CHAIRMAN:**

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## CEREDIGION COUNTY COUNCIL

**Report to:** Democratic Services Committee

**Date:** 21<sup>st</sup> May 2021

**Title:** Review of the Size of Committees

**Purpose of report:** For the Democratic Services Committee to consider establishing a Task and Finish Group to consider a review in the size of Committees, for implementation from May 2022.

### Introduction

On 31<sup>st</sup> May 2019, the Local Democracy and Boundary Commission for Wales published its final recommendations for the future electoral arrangements for Ceredigion, which has been submitted to Welsh Government Ministers. It is now for Welsh Government and its Ministers to decide how to proceed. Ordinarily they will make an Order.

The Order is yet to be made, although it is likely to be made in September 2021.

The report recommends a reduction of Councillors from 42 to 38 (giving a county average of 1,384 electors per Member). The effect of a reduction in 4 Councillors from May 2022 means that the current size of Committees cannot be sustained at current levels.

It is therefore proposed that a Cross-Party Task and Finish Group be established as soon as possible to consider the implications of a reduction of 4 Councillors on the size of Committee with a view to presenting recommendations to Council in January 2022.

The Group will be established as soon as the Order has been made by the Minister.

**Recommendations:** To agree to establish a Cross-Party Task and Finish Group to consider a review in the size of Committees, for implementation from May 2022, with a view to presenting recommendations to Council in January 2022.

**Appendices:** None

**Background documents:** Local Democracy and Boundary Commission for Wales – Ceredigion Electoral Review: Final Recommendations  
<https://ldbc.gov.wales/reviews/05-19/ceredigion-final-recommendations>

**Lowri Edwards**  
Corporate Lead Officer: Democratic Services (Head of Democratic Services)

**12<sup>th</sup> May 2021**



## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Democratic Services Committee

**DATE:** 21 May 2021

**LOCATION:** Remotely via Video Conference

**TITLE:** Report on Size of the Governance and Audit Committee

**PURPOSE OF REPORT:** To consider update Committee on changes in legislation and consider the size of the Governance and Audit Committee

### **BACKGROUND:**

On 2 October 2019 the Council's Audit Committee (now Governance and Audit Committee) ("GAC") considered the matter of the size of the Audit Committee (before the Local Government and Elections (Wales) Act ('2021 Act') was published in Bill form) . The Audit Committee agreed to recommend to the Democratic Services Committee and subsequently Council increasing the number of County Councillors and lay/independent members sitting on the Audit Committee .

On 27 January 2020 the Democratic Services Committee considered a report, in which consideration of increasing the size of the Committee was proposed. The Democratic Services Committee resolved to recommend that the Committee remains at its current size until the implementation of the 2021 Act and changes to the number of County Councillors and to review at the appropriate time.

On 24 February 2021 a report was presented to the Audit Committee on the 2021 Act and the changes affecting the Audit Committee.

The Audit Committee agreed that the preferred option (Option 1 in the report ) was that the future GAC should comprise:

a total of 9 members made up of :

- 3 independent lay members and
- 6 County Councillors)

On 18 March 2021 a Report on the 2021 Act and the changes affecting the Audit Committee was presented to Council where it was resolved to approve the commencement of the recruitment process for independent (lay) members to the Governance and Audit Committee.

A further report will be presented to the GAC at the 3<sup>rd</sup> June 2021 meeting relating to further changes affecting the GAC arising from implementation of the 2021 Act.

### **CURRENT POSITION:**

In January 2021 Royal Assent was given to the 2021 Act.

S116 of the 2021 Act states that at least one third of members of the GAC must be lay persons. This will come into effect on 6/5/22.

The recruitment of additional lay members process is in progress.

The exact number of additional members required cannot be established until the size of the GAC is determined.

The views of the Democratic Services Committee are therefore requested regarding the size of the Governance and Audit Committee, so that a recommendation on its size can be made to Council.

It is understood that the Boundary Commission of Wales has previously recommended that the number of overall Council Members should reduce from 42 to 38 from May 2022, and that a review will be undertaken during 2021 as to how this change will affect the size of all of the Council's committees.

Relevant factors include:

- The cost implication for the Committee in an increase of Independent (lay) members;
- the fees paid to Independent (lay) members are determined by the Independent Remuneration Panel for Wales and are paid on a half or full day basis;
- The existing GAC is considerably smaller than other Council Committees;
- Large volume of reports which members are required to consider has put an additional pressure on existing members;
- Raise the profile of the work of the GAC;
- Increase the focus for GAC oversight on audit/assurance, governance framework and reporting;
- Ensure that the GAC adds value by supporting improvement across a range of objectives;
- There is regular attendance of external regulators at GAC meetings; and
- Maximising the Committee's knowledge base, experience and skills.

The 2021/2022 day Fee rates for the GAC independent lay members are:

- Chairperson (if Lay Member from 6/5/22) £268 (134 half day Fee)
- Lay member day fee of £210 (£105 half Day Fee).

## RECOMMENDATIONS:

That the Democratic Services Committee considers recommending to Council:

1) That from 6/5/22 that the Governance and Audit Committee should comprise:

- 3 x independent / lay members

- 6 x County Council Members

Total: 9

**REASON FOR RECOMMENDATIONS:** Monitoring of the governance of the Local Authority, and to avoid governance/procedural issues regarding the required number of lay members in compliance with the Local Government and Elections (Wales) 2021 Act.

**Contact Name:** Elin Prysor

**Designation:** Corporate Lead Officer: Legal & Governance & Monitoring Officer

**Acronyms:** N/A

**Date of Report:** 11 May 2021

**Appendices:** None

**Statutory powers:** Local Government and Elections (Wales) Act 2021:

<https://www.legislation.gov.uk/asc/2021/1/introduction/enacted>

**Background papers** Report to Audit Committee 2 October 2019:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/H%20size%20of%20audit%20committee.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/H%20size%20of%20audit%20committee.pdf)

2 October 2019 Audit Committee Minutes:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/G%20Cofnodion%20combined%20171219.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/G%20Cofnodion%20combined%20171219.pdf)).

27 January 2020 Report to Democratic Services Committee

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/Size%20of%20audit%20committee.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/Size%20of%20audit%20committee.pdf)).

27 January 2020 Democratic Services Committee Minutes:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/A%20Cofnodion%2027%20lonawr%202020.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/A%20Cofnodion%2027%20lonawr%202020.pdf))

12 November 2020 Audit Committee Meeting Minutes:

<http://www.ceredigion.gov.uk/media/8073/audit-121120-final-s.pdf>).

24 February 2021 Report to Audit Committee:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/H%20size%20of%20audit%20committee.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/H%20size%20of%20audit%20committee.pdf)

24 February 2021 Draft Audit Committee Meeting Minutes:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/G%20Cofnodion%20combined%20171219.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/G%20Cofnodion%20combined%20171219.pdf)).

18 March 2021 Report to Council:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/I%20-%20Changes%20to%20Audit%20Committee%20per%20Local%2](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/I%20-%20Changes%20to%20Audit%20Committee%20per%20Local%2)

[0Government%20and%20Elections%20\(Wales\)%20Act%202021.pdf](#)

18 March 2021 Draft Council Meeting Minutes:

[https://www.ceredigion.gov.uk/media/8975/cofnodion-ddrafft-18032021-saesneg-final.pdf](#)).

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	<b>Democratic Services Committee</b>
<b>Date:</b>	<b>21<sup>st</sup> May 2021</b>
<b>Title:</b>	<b>The Local Government and Elections (Wales) Act 2021 – matters relevant to the Democratic Services Committee</b>
<b>Purpose of report:</b>	<b>To highlight aspects of the Local Government and Elections (Wales) Act 2021 relevant to the Democratic Services Committee.</b>

### **Background**

The Local Government and Elections (Wales) Act was passed in the Senedd on 18 November 2020 and received Royal Assent on 20 January 2021. The Act will be implemented by means of 3 Commencement Orders, bringing into force various aspects of the Act by means of a phased approach.

The Bill is extensive and has the potential to impact on numerous administrative and decision making processes of the Council, effecting most if not all Committees. Aspects which are resource intensive, relating specifically to the Democratic Services Committee have been highlighted below. However it is recommended that Members review the Bill in its entirety in relation to recommendations / proposals which will impact Members directly.

### **Duty to encourage local people to participate in decision-making by principal councils**

Sections 39-41, Chapter 4 of the Local Government and Elections (Wales) Bill stipulates that a principal council must prepare and publish a public participation strategy, including promoting awareness of the council's functions, how to become a member, what membership entails, ways of facilitating access to information about decisions made, or to be made, making representations, bringing the views of the public to the attention of overview and scrutiny committees and promoting awareness among members of the benefits of using social media to communicate with local people.

The participation strategy will need to be published, following consultation with local people, and reviewed following each ordinary election of councillors. Consideration will also need to be given to internal processes and training.

This provision will come into force on 5 May 2022.

### **Duty to make a petitions scheme**

Section 42, Chapter 4 of the Local Government and Elections (Wales) Bill relates to a requirement to set out a petition scheme, including electronic petitions.

The conditions will need to be drawn up and included in the Constitution, in addition to the development of an e-petition scheme.

This provision will come into force on 5 May 2022.

### **Duty to publish official addresses**

Section 43, Chapter 4 of the Local Government and Elections (Wales) Bill requires that a principal council must publish an electronic and postal address for each member of the council, to which correspondence for the member may be sent.

This provision will come into force on 5 May 2022.

### **Electronic broadcasts of meetings**

Sections 46-51, Chapter 4 of the Local Government and Elections (Wales) Bill proposes that principal councils make and publish arrangements to ensure the broadcasting of proceedings at a meeting are available so that members of the public not in attendance can see and hear the proceedings, and made available for a specified time following the meeting. This will apply to meetings which are open to the public, including the executive of a principal council, a committee or sub-committee of an executive of a principal council, a committee or sub-committee of a principal council, a joint committee, or a sub-committee of a joint committee, of two or more principal councils.

From 1 May 2021, the 3<sup>rd</sup> Commencement Order of the Act came into force, which provides for attendance, including remote attendance at local authority meetings. The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 provided flexibility to enable local authorities to operate safely, effectively and lawfully, whilst retaining the principles of openness and accountability to the public. The 2020 Regulations related to meetings held before 1 May 2021, therefore the Local Government and Elections (Wales) Act enables authorities to transition from the 2020 Regulations to the permanent provisions of the Act, as set out in the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021.

The Welsh Minister may by regulation make further provisions in connection with the broadcast of proceedings at a meeting. This will come into force from 5 May 2022. The Welsh Government will also make guidance available to support local authorities in implementing these provisions.

Ceredigion County Council has successfully applied for funding from the Welsh Government Digital Democracy Fund to cover the cost of purchase for the installation of hardware, which will support software for which will support hybrid meetings, with translation in addition to broadcasting.

Following a tender process it is aimed to install the hardware by September 2021.

### **Enabling job sharing for Leader and Cabinet Member positions**

Sections 58-59, Chapter 4 of the Local Government and Elections (Wales) Bill requires local authorities to include in their executive arrangements provision enabling two or more councillors to share office on an executive, including the office of executive leader, and a provision for voting and quorum where members of an executive share office.

The conditions will need to be drawn up and included in the Constitution, and consideration will also need to be given to internal processes such as Cabinet approval of reports, implications as a consequence of the senior salary cap. The regulations also note that the guidance may include provision designed to encourage good practice in relation to equality and diversity.

This provision will come into force on 5 May 2022.

#### **Enabling job sharing of non-executive offices in principal councils.**

Section 60, Chapter 4 of the Local Government and Elections (Wales) Bill notes that the Welsh Minister may be regulations make provisions for the purpose of facilitating or enabling the sharing of a principal council office, to include a Chair, Vice-Chair, presiding member, deputy presiding member and cabinet executive.

The conditions will need to be drawn up and included in the Constitution.

#### **Family absence for Members**

Section 61, Chapter 4 of the Local Government and Elections (Wales) Bill relates to maternity, new-born, adoption and parental absences. The Regulations provide for amendments to the Family Absence for Members of Local Authorities (Wales) Regulations 2013, increasing adopter's absence entitlement for member of principal councils from 2 weeks to 26 weeks. It will also result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

The Regulations were brought into force on 1 April 2021, and are reflected within the Schedule of Member Remuneration, and guidance will be provided to current and potential candidates for future Local Government elections following discussions with the Independent Remuneration Panel for Wales.

This provision was included in the Members' Schedule of Remuneration for 2021/22, approved by Council in March 2021.

#### **Duties of leaders of political groups in relation to standards of conduct**

Section 62, Chapter 4 of the Local Government and Elections (Wales) Bill relates to a requirement for Political Group leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group in cooperation with the Ethics and Standards Committee, giving regard to guidance about the functions issued by the Welsh Ministers, following consultation.

The conditions will need to be drawn up and included in the Constitution, with appropriate training and briefings provided to Group Leaders. The terms and reference of the Ethics and Standards Committee will also need to be amended.

This provision will come into force on 5 May 2022.

### **Making information available to Overview and Scrutiny Committees**

Section 65, Chapter 4 of the Local Government and Elections (Wales) Bill relates to information being made available about decisions, to include an overview and scrutiny committee of the authority or a sub-committee of such a committee.

This amendment will not impact upon current practice with Ceredigion County Council as all Members currently have access as required, however this will need to be reflected within the Constitution. This provision will come into force on 5 May 2022.

#### **Next steps:**

Work will be undertaken over the next year to ensure that the Council meets the statutory requirements of the Act. An Action Plan is currently being developed to ensure the timetable is met.

<b>Recommendations:</b>	<b>That the Committee notes the aspects of the draft Local Government and Elections (Wales) Bill specific to the Democratic Services Committee.</b>
<b>Appendices:</b>	<b>None</b>
<b>Background documents:</b>	<b>The Local Government and Elections (Wales) Act 2021:</b>  <a href="http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=26688">http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=26688</a>

<b>Name:</b>	<b>Nia Jones</b>
<b>Job Title:</b>	<b>Corporate Manager – Democratic Services</b>
<b>Date:</b>	<b>10.05.2021</b>



## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Democratic Services Committee

**DATE:** 21 May 2021

**LOCATION:** Remotely via Video Conference

**TITLE:** Changes to the Council's Constitution

**PURPOSE OF REPORT:** To consider proposed changes to the Council's Constitution

### **BACKGROUND:**

Draft amendments to the Council's Constitution regarding Notices of Motion and the Call-In Procedures were presented to the Council's Cross-Party Constitution Working Group at the 19<sup>th</sup> April 2021 Meeting (see **Appendixes 1 and 2** attached).

The Constitution Working Group agreed that these documents had been approved and that they should be presented to the Democratic Services Committee for consideration prior to being presented to Council for approval.

The Constitution Working Group Meeting of 19<sup>th</sup> April 2021 agreed that the voting provisions relating to a simple majority and the Chairperson's Second or Casting Vote (see **Appendix 3** – Extract of Council Procedure Rules in Constitution), which have historically been the convention and operating method of Council, Cabinet and Committees of the Council, be set out in the Constitution for the Cabinet and Committees of the Council.

### **CURRENT POSITION:**

1)The proposed amendments to the Council's Constitution regarding Notices of Motion and the Call-In Procedures are now presented to the Democratic Services Committee (see **Appendices 1 and 2** attached) for consideration.

2)The Council Procedure Rules (**Appendix 3**) state:

#### **"14. VOTING**

##### **14.1 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.*

##### **14.2 CHAIRPERSON'S CASTING VOTE**

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

The Procedure Rules/Terms of References of Cabinet and Committees do not specify this. In order to synchronise and clarify the voting procedures for all Council Committees and Cabinet, it is recommended that the Constitution is amended to regularise the arrangements so that it is set out clearly within the Constitution that Cabinet and the Committees follow the same procedure as set out within the Council Procedure Rules, as regards Voting:

- simple majority
  - Chair's casting vote
- within meetings.

## **RECOMMENDATIONS:**

That Committee considers:

1. **Appendices 1 and 2** attached in relation to Notices on Motion and the Call-In Procedure; and
2. **Appendix 3** regarding the current principles of the voting mechanisms relating to simple majority and the Chairperson's casting vote, as set out in the Constitution in the Council's Procedure Rules

That Committee makes the following recommendations to Council regarding amending the Constitution:

- 1) Approve proposed amendments regarding Notices of Motion and the Call-In Procedure (**Appendices 1 and 2** attached)
- 2) Approve proposed amendments to regularise Cabinet and the Committees procedural arrangements to reflect the Council Procedure Rules (**Appendix 3**), as regards voting:
  - majority
  - Chairperson's casting votewithin meetings.

**REASON FOR RECOMMENDATIONS:** Monitoring of the governance of the Local Authority, promoting clarity and corresponding provisions & rules for Council, Cabinet and the Committees of the Council.

<b>Contact Name:</b>	Elin Prysor
<b>Designation:</b>	Corporate Lead Officer: Legal & Governance & Monitoring Officer
<b>Acronyms:</b>	N/A
<b>Date of Report:</b>	11/5/2021
<b>Appendices:</b>	<b>Appendix 1</b> – Draft Extract of Part 4 Document A Council Procedure Rules (Motions on Notice) <b>Appendix 2</b> – Draft Extract of Part 4 Document E Overview and Scrutiny Procedure Rules (Call-In) <b>Appendix 3</b> - Extract of Council Procedure Rules in Constitution
<b>Background papers</b>	<b>Constitution</b>
<b>Statutory powers:</b>	None

# Document A - Council Procedure Rules

## *Extract*

### **10. MOTIONS ON NOTICE**

#### **10.1 NOTICE**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 (proposer and seconder) members, must be delivered to the Proper Officer (which for these purposes shall be the Monitoring Officer) not later than 5.00pm 10 working days before the date of the meeting. These will be entered in a record open to public inspection. No motion moved by notice will be debated at the Annual meeting of the Council

#### **10.2 MOTION SET OUT IN AGENDA**

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

Any members of the Council may give notice of not more than one motion for consideration at any meeting of the Council.

#### **10.3 SCOPE**

Motions must be about matters for which the Council has a responsibility **and** **or** which substantially affect the administrative area of Ceredigion.

#### **10.4 Amendments to Motions**

Written amendments to Notices of Motion must be received by the Proper Officer no less than 1 hour not later than 5pm, 2 working days before the commencement date of the Council meeting, signed by the Proposer and Seconder and will be circulated in written form to all members at the Council meeting. Verbal amendments will be allowed at the discretion of the Chairman. A motion under Rule 10 or notice of motion to amend must be formally moved and seconded at the relevant meeting. In the absence of the recorded proposer or seconder, another member may propose or second the motion or amendment to the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn.

## *Continuation...*

# Document A - Council Procedure Rules

## 11 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- 11.1 to appoint a Chairperson of the meeting at which the motion is moved;
- 11.2 in relation to the accuracy of the minutes;
- 11.3 to change the order of business in the agenda;
- 11.4 to refer something to an appropriate body or individual;
- 11.5 to appoint a Committee or member arising from an item on the summons for the meeting;
- 11.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 11.7 to withdraw a motion;
- 11.8 to amend a motion;
- 11.9 to proceed to the next business;
- 11.10 that the question be now put;
- 11.11 to adjourn a debate;
- 11.12 to adjourn a meeting;
- 11.13 to suspend a particular Council procedure rule;
- 11.14 to exclude the public and press in accordance with the Access to Information Rules;
- 11.15 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- 11.16 to give the consent of the Council where its consent is required by this Constitution.

## 12 RULES OF DEBATE

### 12.1 NO SPEECHES UNTIL MOTION SECONDED

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

*Continuation...*

proposer of the motion shall have the right to make the first speech in relation to the motion.

# Document A - Council Procedure Rules

## **12.2 RIGHT TO REQUIRE MOTION IN WRITING**

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

## **12.3 SECONDER'S SPEECH**

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

## **12.4 CONTENT AND LENGTH OF SPEECHES**

12.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.4.2 No speech may exceed five minutes without the consent of the Chairperson.

## **12.5 WHEN A MEMBER MAY SPEAK AGAIN**

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

12.5.1 to speak once on an amendment moved by another member;

12.5.2 to move a further amendment if the motion has been amended since he/she last spoke;

12.5.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

12.5.4 in exercise of a right of reply;

12.5.5 on a point of order; and

12.5.6 by way of personal explanation.

*Continuation...*

## **12.6 AMENDMENTS TO MOTIONS**

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

# Document A - Council Procedure Rules

12.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;

12.6.1.2 to leave out words;

12.6.1.3 leave out words and insert or add others;

12.6.1.4 to insert or add words; or

12.6.1.5 to substitute another proposition.

as long as the effect of 12.6.1.2 to 12.6.1.4 above is not to negate the motion

12.6.2 Any amendments to motions will be called by the Chairperson in an order determined by the Chairperson in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible, allow the opportunity for all amendments to be voted upon. Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chairperson.

~~12.6.3 Written amendments to Notices of Motion must be received by the Proper Officer no less than 1 hour before the commencement of the Council meeting, signed by the Proposer and Secunder and will be circulated in written form to all members at the Council meeting. Verbal amendments will be allowed at the discretion of the Chairman. A motion under Rule 10 or notice of motion to amend must be formally moved and seconded at the relevant meeting. In the absence of the recorded proposer or secunder, another member may propose or second the motion or amendment to the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn.~~

## *Continuation...*

12.6.4 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.~~

# Document A - Council Procedure Rules

~~12.6.5 After an amendment has been carried, the Chairperson will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.~~

*Extract*

## 16. CALL-IN

16.1 When a decision is made by the Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Members will be sent copies of the records of all such decisions within 2 working days, by the person responsible for publishing the decision. (See Document D)

16.2 The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called-in (see below).

16.3 A call-in is the referral of a decision made, but not yet implemented, to the relevant Overview and Scrutiny Committee. Call in powers relate to (executive) Cabinet functions. Any decision made by Cabinet or a key decision made by an officer under delegated authority from Cabinet may be called-in (subject to exceptions).

A decision can be called-in when Members:

- believe it may be contrary to normal requirements of decision-making
- believe it is contrary to the Council's agreed policy framework and/or budget
- need further information from the decision-maker to explain why it was taken.

16.4 A decision is deemed to have been called in when:

- any three members of the relevant Overview and Scrutiny Committee (“the Committee”) whose terms of reference relate to the Cabinet decision (as described in Article 6 of Part 2 of the Constitution), or
- six elected members of the Council, and the Chair of the Committee, object to it, and call it in by giving a valid call-in request to the Proper Officer (Head of Democratic Services).



*Continuation...*

~~16.5~~ ~~16.4~~ On receipt of a valid Call-In request ~~During that period~~, the Proper Officer shall ~~call in a decision for scrutiny by~~ convene a meeting of the ~~relevant Scrutiny~~ Committee on such date as the Proper Officer ~~he/she~~ may determine, where possible after consultation with the Chair of the Committee, ~~and in any case~~ within 8 working days of the decision to call-in. The Proper Officer ~~He/She~~ shall then notify the decision taker of the call-in.

16.6 A called-in decision cannot be implemented until it has been considered by the Committee.

16.7 If, following receipt of a valid call-in request ~~an objection to the decision~~, the Committee, having considered the decision, ~~either~~ but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Committee meeting.

~~16.2~~ 16.8 If, having considered the decision, the Committee is still concerned about the decision, then the Committee may refer the decision either

a) back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns and giving reasons  
OR

b) to Council if the decision relates to the Council's policy framework or budget

16.9 If referred back to the decision maker, the decision-making person or body shall then reconsider the decision within a further 10 working days. Having reconsidered the decision, the decision-making person or body shall either confirm the decision, amend the decision or revoke the decision. The ~~decision~~ is deemed to be final and will become effective immediately

**Referrals to Council**

~~16.3~~ 16.10 If a decision is referred to ~~full~~ Council by the Scrutiny Committee, a Council meeting shall be convened by the Proper Officer within 15 working days of the date of the ~~Scrutiny~~ Committee meeting.

*Continuation...*

16.11 If the Council does not meet within 15 working days the decision will become effective at the expiry of the 15 days from the Committee meeting.

16.12 If Council does meet within 15 working days, ~~it shall decide whether it objects to the decision or not~~

If Council:

a) does not object to ~~a the~~ decision ~~which has been made~~, then no further action is necessary, and the decision will be effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

b) does object to the decision; ~~the~~ Council will refer the any decision to which it objects back to the decision-making person or body, together with ~~its~~ the Council's views and reasons on the decision.

16.13 Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider the decision within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

~~16.4~~16.14 The decision-making body or person shall, having reconsidered the decision, choose to confirm, amend or revoke the original decision. The decision will be final and effective immediately.

-Urgent decisions

16.15 The call-in procedure set out above shall not apply where the decision being taken by Cabinet is certified as urgent in accordance with the Rules of Procedure Set out in the Constitution.

~~16.5~~16.16 A decision is deemed to will be urgent if ~~any~~ delay in the implementation of the decision likely to be caused by the call-in process would seriously

*Continuation...*

prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

16.17 Having taken the advice of the Monitoring Officer into account, the Chairperson of the Council must, agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairperson, the Vice-Chairperson's consent shall be required. In the absence of the Vice Chairperson, the consent of the Chairperson of the Overview and Co-ordinating Scrutiny Committee is required. In the absence of all of the above the Chief Executive (Head of Paid Service) or the Monitoring Officer's consent shall be required.

~~16.6~~16.18 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

~~16.7~~16.19 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

# Extract of Council Procedure Rules

## (Voting provisions)

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### **14. VOTING**

#### **14.1 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.

#### **14.2 CHAIRPERSON'S CASTING VOTE**

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

#### **14.3 SHOW OF HANDS**

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

#### **14.4 BALLOTS**

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

#### **14.5 RECORDED VOTE**

If the Council so decides by resolution, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot save in relation to the appointment of officers.

#### **14.6 RIGHT TO REQUIRE INDIVIDUAL TO BE RECORDED**

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.

#### **14.7 VOTING ON APPOINTMENTS OF ELECTED MEMBERS TO POSITIONS TO BE FILLED BY THE COUNCIL**

Those entitled to vote shall each vote for only one person. 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.

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