

Council Procedure Rules



Cyngor Sir
CEREDIGION
County Council

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1. ANNUAL MEETING OF THE COUNCIL

1.1 TIMING AND BUSINESS

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place on a date in May to be agreed by the Council.

The annual meeting will:

- 1.1.1 elect a person to preside if the Chairperson of Council is not present;
- 1.1.2 elect the Chairperson of Council;
- 1.1.3 receive any disclosures of personal and prejudicial interests;
- 1.1.4 elect the Vice Chairperson of Council;
- 1.1.5 approve the minutes of the last meeting;
- 1.1.6 receive any announcements from the Chairperson and/or Chief Executive;
- 1.1.7 to receive an address by the Leader of the Council;
- 1.1.8 to be told by the Leader of the names of Councillors they have chosen to be members of the Cabinet;
- 1.1.9 appoint at least one Overview and Scrutiny Committee, an Ethics and Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, Table 1 of this Constitution);
- 1.1.10 decide the size and terms of reference for those committees
- 1.1.11 decide which Committees to establish for the municipal year;
- 1.1.12 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.1.13 receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council or is only exercisable by the Cabinet;
- 1.1.14 appoint to those Committees and outside bodies; and
- 1.1.15 agree such parts of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- 1.1.16 approve a programme of ordinary meetings of the Council for the year; and
- 1.1.17 consider any business set out in the notice convening the meeting.

2. ORDINARY MEETINGS

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

- 2.1 elect a person to preside if the Chairperson and Vice Chairperson are not present (such person not being a member of the Cabinet);
- 2.2 receive any disclosures of personal and prejudicial interests from members in accordance with the members Code of Conduct;
- 2.3 confirm as a true record the minutes of the last meeting;
- 2.4 receive any announcements from the Chairperson, Chief Executive, Leader and/or Cabinet Members;
- 2.5 deal with any business from the last Council meeting;
- 2.6 receive reports from the Cabinet and the Council's Committees and receive questions, answers and any observations in relation to those reports;
- 2.7 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.8 consider motions of which notice has been given; and
- 2.9 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.
- 2.10 to elect Chairmen and Vice-Chairmen of Committees in the event of a vacancy arising mid-term
- 2.11 appoint members to fill vacancies on Committees

3. SPECIAL MEETINGS

3.1 CALLING SPECIAL MEETINGS

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Chairperson of the Council;
- 3.1.3 the Leader;
- 3.1.4 the Chief Executive;
- 3.1.5 the Monitoring Officer; and
- 3.1.6 any five members of the Council if they have signed a requisition presented to the Chairperson of the Council.

3.2 BUSINESS

No business shall be considered at any Special Meeting save such as shall be specified in the notice convening the meeting and be accompanied by a copy of any report for the meeting.

4. TIME AND PLACE OF MEETINGS

- 4.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons.
- 4.2 Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) the summons will also include details of how to access the meeting by remote means.
- 4.3 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, hear and be heard by, other attendees at the meeting.
- 4.4 For the purposes of section 4.3 above, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

5. NOTICE OF AND SUMMONS TO MEETINGS

- 5.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her by post or e-mail to every member of the Council or leave it at their usual place of residence.
- 5.2 The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) details of how to access the meeting by remote means. The summons will also specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairperson. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairperson also include the Chairperson of Committees and Sub-Committees.

7. QUORUM

Save as set out in Article 8.2.1 (see Part 2 of the Constitution) in relation to the Development Management Committee, the quorum of a meeting will be one quarter of the membership for that meeting.

The quorum for the meeting will be one-quarter of the overall Council membership, namely 10 of 38 members (for quorum for the Development Management Committee, see Part 2, Article 8 para 8.2.1).

During any meeting if the Chairperson counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Any remaining business will be considered at a time and date fixed by the Chairperson. If they do not fix a date, the remaining business will be considered at the next ordinary meeting."

8. DURATION OF ITEMS OF BUSINESS

If an item of business at the meeting has not been concluded within one hour of its commencement, the Chairperson may draw attention to that fact and may call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

9. QUESTIONS BY MEMBERS

9.1 ON REPORTS OF THE CABINET OR COMMITTEES

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

9.2 QUESTIONS ON NOTICE AT FULL COUNCIL

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

- the Chairperson of the Council;
 - the Leader and/or a member of the Cabinet; or
 - the Chairperson of any Committee or Sub-Committee
- a question on any matter in relation to which the Council has powers or duties or which affects Ceredigion.

9.3 QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

Subject to Rule 9.4, a member of a Committee or Sub-Committee may ask the Chairperson a question on any matter in relation to which the Council has powers or duties or which affect Ceredigion and which falls within the terms of reference of that Committee or Sub-Committee.

9.4 NOTICE OF QUESTIONS

A member may only ask a question under Rule 9.2 or 9.3 if either:

- 9.4.1 they have given at least five working days notice in writing of the question to the Proper Officer; or
- 9.4.2 the question relates to an urgent matter and they have the consent of the Chairperson to whom the question is to be put and the content of the question is given to the Proper Officer by 1.00pm on the day prior to the meeting.

9.5 RESPONSE

An answer may take the form of:

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

9.6 SUPPLEMENTARY QUESTION

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

10. MOTIONS ON NOTICE

10.1 NOTICE

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 (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 they propose 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 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 not later than 5pm, 2 working days before the date 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 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.

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

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 they 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 they 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.

12.6 AMENDMENTS TO MOTIONS

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

- 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 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.

12.7 ALTERATION OF MOTION

12.7.1 A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.7.2 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder.

12.7.3 Only alterations which could be made as an amendment in accordance with 12.6.1 may be made.

12.8 WITHDRAWAL OF MOTION

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

12.9 RIGHT TO REPLY

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

12.9.2 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.

12.9.3 The mover of the amendment has no right of reply to the debate on their amendment.

12.9.4 A member may not speak after a proposition has been voted on except on a point of order relating to it.

12.10 MOTIONS WHICH MAY BE MOVED DURING DEBATE

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

- 12.10.1 to withdraw a motion;
- 12.10.2 to amend a without notice motion;
- 12.10.3 to proceed to the next business;
- 12.10.4 that the question be now put;
- 12.10.5 to adjourn a debate;
- 12.10.6 to adjourn a meeting;
- 12.10.7 to exclude the public and press in accordance with the Access to Information Rules; and
- 12.10.8 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

12.11 CLOSURE MOTIONS

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

12.11.1.1 to proceed to the next business;

12.11.1.2 that the question be now put;

12.11.1.3 to adjourn a debate; or

12.11.1.4 to adjourn a meeting.

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

12.11.3 If a motion that the question be now put is seconded and the Chairperson thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

12.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairperson thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 POINT OF ORDER

A member may raise a point of order at any time. The Chairperson will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule of law and the way in which they consider it has been broken. The ruling of the Chairperson on the matter will be final.

12.13 PERSONAL EXPLANATION

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

13. PREVIOUS DECISIONS AND MOTIONS

13.1 MOTION TO RESCIND A PREVIOUS DECISION

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

13.2 MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

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

14. VOTING

14.1 MAJORITY

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the meeting at the time the recommendation or proposal was presented.

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.

15. MINUTES

15.1 SIGNING THE MINUTES

The Chairperson will sign the minutes of the proceedings at the next suitable meeting. The Chairperson 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.

15.2 NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT SPECIAL MEETING

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

15.3 FORM OF MINUTES

15.3.1 Minutes will contain all motions and amendments in the exact form and order the Chairperson put them.

15.3.2 Where parts of the minutes are excluded because they refer to exempt information and the minutes available do not provide a reasonably fair and coherent record, a written summary will be provided which provides such a record without disclosing the exempt information.

16. RECORD OF ATTENDANCE

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

17. ELECTRONIC BROADCAST OF MEETINGS

Meetings of the full Council at the Council Chamber, Neuadd Ceredigion, Penmorfa, Aberaeron will be broadcast live electronically so that members of the public not in attendance at the meeting can see and hear the proceedings. Recordings of the meeting will be available for 6 years after the meeting such footage to be available for viewing on the Council's website at www.ceredigion.gov.uk. For details of multi-location meetings procedures see Part 5 Document R.

18. EXCLUSION OF PUBLIC

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

19. MEMBERS' CONDUCT

19.1 SPEAKING

When a member speaks at full Council they must address the meeting through the Chairperson.

19.2 CHAIRPERSON STANDING

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

19.3 MEMBER NOT TO BE HEARD FURTHER

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

19.4 MEMBER TO LEAVE THE MEETING

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

19.5 GENERAL DISTURBANCE

If there is a general disturbance making orderly business impossible, the Chairperson may adjourn the meeting for as long as they think necessary.

20. DISTURBANCE BY PUBLIC

20.1 REMOVAL OF MEMBER OF THE PUBLIC

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

20.2 CLEARANCE OF PART OF MEETING ROOM

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared. If there is a general disturbance on the online meeting platform, the Chairperson may call for the online meeting platform to be muted, temporarily suspended or closed.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 SUSPENSION

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

21.2 AMENDMENT

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

22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

Save as set out in paragraph 24 below, all of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4–22 apply to meetings of Committees and Sub-Committees.

23. OFFICER ADVICE

23.1 Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.

23.2 Further officer advice will only be available at the meeting of Council with the consent of the Chairperson, in consultation with the Chief Executive, Head of Finance or the Monitoring Officer. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.