

PART 4 - THE COUNCIL

4.1 Definitions

4.1.1 The Council meeting means a meeting to which all Members of the Council have been invited, constituted and conducted in accordance with this Constitution.

4.1.2 **The Policy Framework** means the following plans and strategies:

Corporate Plan
Medium Term Financial Plan
Workforce Plan
Asset Management Plan
Corporate Safeguarding Policy
Economy & Skills Strategy
Equality Improvement Framework for Wales
Local Development Plan (including supplementary planning guidance)
Local Transport Plan
Local Well-being Plan (* as required from 1 April 2016 under the Well Being of Future Generations Act)
Pay Policy Statement
Single Integrated Plan
Sustainability Policy (* until Local Well-being Plan in place)
Welsh Language Scheme

4.1.3 **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.

4.2 Functions

4.2.1 Only the Council will exercise the following functions:

- Adopting the Constitution and changes to it (including the rules of procedure/standing orders and contract standing orders which form part of the Constitution), save for any minor changes to the Constitution which are delegated to the Monitoring Officer in consultation with the Member Constitution Working Party.
- Adopting or amending the Code of Conduct and any other codes and protocols relating to Members' conduct.
- Agreeing or amending the Policy Framework and the Budget.

- Authorising the making of an application to the Welsh Assembly Government for approval of a programme of disposal of land used for residential purposes where specific approval by the Ministers is required under sections 32 or 43 of the Housing Act 1985.
- Appointing the Leader, Deputy Leader and Executive Members.
- Any matter involving the discharge of an Executive function which is covered by the Policy Framework or the Budget where the Cabinet, Executive Member or officer is considering making a decision that is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and they are not authorised by this Constitution to make such a decision. This rule does not apply if the matter is urgent as defined in paragraph 5.8.2 below.
- Agreeing and amending the terms of reference for Committees, deciding on their composition and making appointments to them (including appointments to fill vacancies).
- Performing the corporate joint committee functions set out in section ? Of this Constitution, including the making of a corporate joint committee application
- Making, amending, revoking or replacing any scheme for basic, attendance and special responsibility allowances and determining the amounts of any allowance under that scheme, financial loss allowance and allowances for attending conferences and meetings and the rates at which payments are to be made as travelling and subsistence allowances.
- Appointment of the Head of Paid Service, S151 role, Monitoring Officer role, Head of Democratic Services role and any other statutory roles assigned to appropriate posts/officers.
- Decisions on the remuneration of the Chief Executive, Deputy Chief Executive and Strategic Directors.
- The making, amendment, revocation, re-enactment or adoption of byelaws and the promotion of, or opposition to the making of, local legislation or personal bills.
- Changing the name of the area, conferring the freedom of the County Borough and conferring the title of honorary alderman.
- The adoption of any other plan or strategy not within the Policy Framework but where the Council determines that the adoption of that plan or strategy should be reserved to Council.
- Approving, reviewing and amending the Council's petition scheme

- Prepare and consider an annual report on the extent to which the council has met its performance requirements
- Making arrangements for a panel performance assessment and responding to the panel's report
- Considering annual reports received from the Ethics and Standards committee
- Any other matters that the law requires to be reserved to the Council Meeting.

4.2.2 The Council may make arrangements for the discharge of any of its functions (save as required at law) by a committee, a sub-committee or an officer of the Council or by any other local authority and must do so where the law requires under the Licensing Act 2003 or the Gambling Act 2005. The Council reserves to itself the right to discharge any such functions notwithstanding such arrangements except where such matters are reserved by law to the Licensing Committees under the Licensing Act 2003 or the Gambling Act 2005.

4.2.3 The Council has reserved to itself those functions indicated in the Tables in Appendices 7 and 8.

4.3 Council Meetings

4.3.1 There are three types of Council meeting and informal seminars:

- The Annual Meeting
- Ordinary meetings
- Extraordinary meetings
- Council Policy Seminars

4.4 Election and Appointment of the Presiding Member and Deputy Presiding Member

4.4.1 The Council shall as the first item of business at its annual meeting elect one of its Councillors to be Chair of the Council with the title of Presiding Member who shall, unless they resign their office or become disqualified from acting, continue in office until their successor is elected. The Presiding Member must be a member of the Council receiving a senior salary but not be an Executive Member.

4.4.2 The Council shall at its annual meeting appoint one of its Councillors to be Deputy Presiding Member who shall, unless they resign their office, cease to be a councillor or are disqualified from acting continue in office until immediately after the appointment of the Deputy Presiding Member at the next annual meeting. The Deputy Presiding Member shall be eligible for appointment as

Presiding Member. The Deputy Presiding Member must be a member of the Council receiving a senior salary but not be an Executive Member.

- 4.4.3 Where a casual vacancy occurs in the office of Presiding Member or Deputy Presiding Member, the vacancy shall be filled by the appointment by the Council of one of its Councillors at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place they are appointed would regularly have retired.
- 4.4.4 The Presiding Member, or in their absence the Deputy Presiding Member, must preside at any meeting of Council at which they are present. If the Presiding Member and Deputy Presiding Member are both absent from any meeting of Council, a temporary Chair shall be chosen for that meeting (or agenda item) from the voting membership then present.
- 4.5.1 The ruling of the Presiding Member as to the construction or application of the Constitution, or as to any procedural question, at a meeting of the Council shall be final and shall not be open to discussion.

4.5 The Annual Meeting of Council

- 4.5.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of outgoing Councillors. In any other year, the annual meeting will take place in May.
- 4.5.2 The annual meeting will:
- Elect a person to preside if the outgoing Presiding Member is not present.
 - Elect the new Presiding Member.
 - Appoint the new Deputy Presiding Member.
 - Receive any declarations of interest from Councillors.
 - Approve the minutes of the last meeting.
 - Receive any announcements from the Presiding Member or Chief Executive.
 - Elect the Leader.
 - Elect the Deputy Leader.
 - Appoint another six Councillors to the Cabinet.
 - Appoint the Chair of each Overview and Scrutiny Committee, the Planning

Committee, the Licensing Committees, the Pensions Committee, the Democratic Services Committee and the Appointments Committee.

- Appoint members to the Ethics & Standards Committee for a term of up to four years if necessary.
- Determine the allocation of seats to political groups in accordance with the political balance rules (see paragraph 1.5.3)
- Appoint the members of each Overview and Scrutiny Committee, the Planning Committee, the Licensing Committees, the Pensions Committee, the Democratic Services Committee, the Appointments Committee, the Governance and Audit Committee, in accordance with the allocation of seats and three members of the Ethics and Standards Committee.
- Appoint the Chair and members of any other Member/Officer group, Working Party or Panel established by the Council for specific purposes.
- Appoint Councillors to serve on such outside bodies as the Council considers appropriate.

4.5.3 Nothing in paragraph 4.5.2 shall preclude or be construed as precluding the Council from doing any of the following at an ordinary meeting of the Council subject to the following provisions of this Part of the Constitution:

- electing the Leader where such election becomes necessary following the death, resignation, retirement, disqualification or removal of the Leader during the period of office or as a result of a change to the Council's constitution;
- appointing the Deputy Leader where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Deputy Leader during the period of office or as a result of a change to the Council's constitution;
- appointing Councillors to the Cabinet where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Councillor concerned during the period of office or as a result of a change to the Council's constitution;
- appointing a chair for any standing committee where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Councillor concerned during the period of office or as a result of a change to the Council's constitution;.
- deciding on an any amendment to the standing committees of the Council including their titles, 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 overview and scrutiny committee and a Standards Committee deciding on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;

- receiving nominations of Councillors to serve on the standing committees and giving effect to the Council's duty to make appointments to such committees in accordance with the Local Government and Housing Act 1989.

4.6 Ordinary Meetings of Council

4.6.1 Ordinary meetings of Council will take place in accordance with an agreed programme. Ordinary meetings at their discretion may contain an informal element.

4.6.2 The formal business of an ordinary meeting of the Council will be to:

- Elect a person to preside if the Presiding Member and Deputy Presiding Member are not present.
- Receive apologies for absence
- Receive any declarations of interest from Members.
- Approve the minutes of the last meeting
- Receive a report back on the actions required from previous meetings
- Receive any petitions presented by members of the public or organisations (see paragraph 4.17)
- Receive questions from the public or organisations (see paragraph 4.16.1 for who is permitted to ask questions) and answers on behalf of the Council
- Receive announcements from the Presiding Member, Leader or Chief Executive.
- Receive the Cabinet minutes, the Leader's report and questions to the Leader on the Cabinet minutes and his/her report .
- Receive such Executive Members' reports as the Presiding Member considers appropriate and questions by Councillors to Executive Members
- Receive such Chairs of Overview and Scrutiny Committees' reports as the

Presiding Member considers appropriate and questions to the Chairs

- Receive such Chairs of Planning Committee and Licensing Committees reports as the Presiding Member considers appropriate and questions to the Chairs
- Receive and debate any reports concerning the Policy Framework (see paragraph 4.1.2), budget or other reports, presentations and proposals from the Executive, Overview and Scrutiny, other committees, representatives on outside bodies and officers as the Presiding Member considers appropriate.
- Consider any motions put forward by Members.
- Consider any other questions from members.
- Consider any other business specified in the invitation to the meeting.

4.7 Extraordinary Meetings of Council

4.7.1 Those listed below may require the Proper Officer to arrange Council meetings in addition to ordinary meetings:

- the Council by resolution
- The Presiding Member
- The Cabinet by resolution
- The Chief Executive
- The Monitoring Officer; and / or
- any five Members of the Council if they have signed a requisition presented to the Presiding Member and he/she has refused or failed to arrange a meeting within seven days of the presentation of the requisition.

4.7.2 The business of any Extraordinary meeting shall be limited to the matter referred to in the resolution, requisition and/or invitation for the meeting, together with any questions from members of the public and petitions from the public which the proper officers consider directly relate to the main business of the meeting.

4.8 Council Policy Seminars

4.8.1 Council Policy Seminars are informal seminars to which all members of Council are invited to receive information about policy matters or to debate and discuss emerging policy issues or matters that will subsequently require decisions. They play an important role in ensuring that members are fully involved and fully briefed on matters that will subsequently require decisions by Cabinet or by full Council.

4.8.2 The Seminars are held on subject matters and at times approved by the Leader.

4.8.3 The Council will not give statutory notice to the public of the dates and times of seminars.

Note: it is normal practice to hold Policy Seminars on Monday afternoons.

4.8.4 Members of the public may attend Council Policy Seminars. Co-opted members of Overview and Scrutiny Committees will be invited to those Seminars relevant to the terms of reference of the Committee.

4.8.5 No decisions are made at Policy Seminars and no notes of seminars are maintained.

4.9 Time and Place of Meetings

4.9.1 The time and place of Council meetings will be determined by the Proper Officer and notified in the invitation.

4.9.2 Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the invitation will also include details of how to access the meeting by remote means

4.10 Notice of and invitation to Meetings

4.10.1 The Proper Officer will give notice to the public of the time and place of any meetings in accordance with the provisions of this Constitution in particular as set out in paragraph 4.28. Unless the meeting has been convened at shorter notice, at least five clear working days before an Annual, Ordinary or Extraordinary Council meeting or three clear working days before any other meeting, the Proper Officer will send an invitation and agenda to every Member of the Council. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are appropriate.

4.11 Chair of Meeting

4.11.1 The Presiding Member shall chair meetings of the Council and in his/her absence the Deputy Presiding Member shall do so.

4.12 Quorum

4.12.1 The quorum of a meeting will be one quarter of the whole number of Councillors (or members, where this applies to committees or sub-committees which include voting members who are not councillors) or the nearest whole number above. During any meeting if the Presiding Member 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 agreed by the Presiding Member and the Proper Officer and fixed by the

Presiding Member. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.13 Remote Attendance

4.13. Members will be regarded as being present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi- location meetings providing that they can speak to, hear and be heard by, other attendees at the meeting

4.13.2 For the purposes of section 4.13.1 attendance by "remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform

4.14 Timetabling of the agenda

4.14.1 The Presiding Member shall decide the amount of time allotted to each item of the Council agenda and the order of the agenda.

4.14.2 Unless the Presiding Member in his or her discretion decides to extend the time, the maximum time allowed for petitions shall be 10 minutes and the maximum time for questions from the public shall be 20 minutes.

4.15 Questions by Members

4.15.1 A member of the Council may ask the Leader or relevant Executive Member any question without notice upon any item of the report of the Cabinet when that item is being received or under consideration by the Council.

4.15.2 **Question on notice at full Council:** Subject to paragraph 4.15.3 a Member of the Council may ask:

- a member of the Cabinet; or
- the Chair of any Committee or Sub-Committee

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

4.15.3 **Notice of questions:** A Member may only ask a question under paragraph 4.15.2 if either:

- they have given at least three whole working days notice (e.g. 10.00am on the preceding Thursday for a 10.00am Tuesday meeting) in writing of the question to the Chief Executive; or
- the question relates to urgent matters, they have the consent of the Presiding Member and the content of the question is given to the Proper Officer not later than the start of the meeting.

4.15.4 In this section and in section 4.16 below “three working days notice” means the full text of the question must be received in writing or by email by the Chief Executive, three whole working days before the Council meeting (e.g. by 10.00am on the preceding Thursday if the meeting starts at 10.00am on a Tuesday).

4.15.5 **Response:** An answer may take the form of:

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

4.15.6 **Supplementary question:** A Member asking a question under paragraph 4.15.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

4.15.7 Principal questions asked under this section and a summary of the replies to the questions will be recorded in the minutes of the meeting.

4.15.8 The essence of supplementary questions and responses will be recorded so that the full debate can be captured but supplementary questions and answers do not need to be recorded verbatim but should be recorded in a form that captures the essence of the question and ensuing debate.

4.16 Questions by Members of the Public

4.16.1 A member of the public who lives or works in Torfaen and any person who represents a public, private, voluntary or community organisation based in Torfaen may ask a question at a Council meeting on any matter in relation to which the Council has powers or duties or which affects the area.

4.16.2 **Notice of questions:** A member of the public may only ask a question under paragraph 4.16.1 if they have given notice in writing of the question to the Chief Executive by three whole working days before the Council meeting (e.g. 10.00am on the preceding Thursday for a meeting at 10.00am on a Tuesday).

4.16.3 At Council, the previously submitted written question shall be read out by the questioner.

4.16.4 **Response:** An answer may take the form of:

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

accordance with paragraph 4.16.8.

4.16.5 Supplementary question: The Presiding Member may at his or her discretion permit a supplementary question arising directly out of the original question or the reply.

4.16.6 Questions asked under this section and a summary of the replies to the questions will be recorded in the minutes of the meeting. The essence of supplementary questions and responses will be recorded so that the full debate can be captured but supplementary questions and answers do not need to be recorded verbatim.

4.16.7 The Order in which questions are taken shall be at the discretion of the Presiding Member.

4.16.8 Any question not asked because of insufficient time, will be answered subsequently in writing with a copy of the answer provided to all councillors.

4.16.9 The Presiding Member, after consultation with the Monitoring Officer and Chief Executive, may reject a question if:

- (a) it does not meet the criteria set out in 4.16.1
- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an ongoing investigation by the Public Services Ombudsman or relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress;
- (f) it relates to the personal circumstances or conduct of an officer or Councillor or to the conditions of service of individual employees;
- (g) it seeks to promote a political party or organisation;
- (h) it is a statement and not a genuine enquiry.; or
- (i) the preparation of the answer would require the expenditure of a disproportionate amount of time, public money or effort.

4.16.10 The decision of the Presiding Member in the above matters shall be final, but when a question from a member of the public has been rejected under the terms of paragraph 4.16.9, the Presiding Member, under that agenda item, will announce to the Council the reason for the rejection and this explanation will be recorded in the minutes.

4.17 Petitions from Members of the Public

4.17.1 At the request of any Councillor a member of the public defined in paragraph 4.16.1 may present a petition to the Presiding Member at a Council Meeting.

- 4.17.2 The right set out in 4.17.1 above only applies if the original petition is presented by the Councillor on behalf of the member of the public to the Chief Executive by two whole working days before the meeting at which the petition is to be presented (e.g. by 10.00am on the preceding Friday before a meeting to be held at 10.00am on a Tuesday).
- 4.17.3 At the Council Meeting the member of the public may present the petition publicly to the Presiding Member who will receive it on behalf of the Council and read the content of the petition to the meeting.
- 4.17.4 The Chief Executive after consulting the Monitoring Officer or the Presiding Member, after consulting the Monitoring Officer and Chief Executive, may reject a petition in accordance with the criteria set out in the Petition Scheme.
- 4.17.5 A copy of the Petition Scheme including guidance and an example template can be found at Appendix 24 of the Constitution.

4.18 Motions on Notice

4.18.1 Notice

Except for motions which can be moved without notice under paragraph 4.19, written notice of every motion, signed by the Member moving the motion, must be delivered to the Chief Executive at least seven clear working days before the date of the meeting.

4.18.2 Motions set out in agenda

Motions of 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 before the agenda is issued, that they propose to move it to a later meeting or withdraw it.

4.18.3 Scope

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

4.19 Motions without Notice

4.19.1 The following motions may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to any appropriate body or individual;
- to appoint a Committee or Member arising from an item on the invitation for the meeting;
- to receive reports or adoption of recommendations of Committees or Officers

- and any resolutions following from them;
- to withdraw a motion;
 - to amend a motion;
 - to proceed to the next business;
 - that the question be now put;
 - to adjourn a debate;
 - to adjourn a meeting;
 - to suspend a particular rule of debate;
 - to exclude the public and press in accordance with the Access to Information Rules;
 - to not hear further a Member named under paragraph 4.25.3 or to exclude them from the meeting under paragraph 4.25.4; and
 - to give the consent of the Council where its consent is required by this Constitution.

4.20 Rules of Debate

4.20.1 General

The Presiding Member shall be responsible for maintaining order at the meeting in accordance with good practice and any legislative requirements and for ensuring that decisions are made in a proper manner. Paragraphs 4.20.2 to 4.20.14 below on rules of debate may be brought into effect by the Presiding Member at his or her discretion at any time during any meeting and shall then apply for the remainder of the meeting, unless suspended by resolution. Otherwise, these rules shall not apply.

4.20.2 No speeches until motion seconded

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

4.20.3 Right to require motion in writing

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

4.20.4 Seconder's speech

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

4.20.5 Content and length of speeches

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

4.20.6 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:

- to speak once on an amendment moved by another Member;
- to move a further amendment if the motion has been amended since he/she last spoke;
- 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);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

4.20.7 Amendments to motions

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

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others; or
- to insert or add words.

As long as the effect is not to negate the motion.

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

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

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.

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

4.20.8 Alteration of motion

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

A Member may alter a motion which he/she has moved without notice with the

consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

4.20.9 Withdrawal of motion

Once moved a Member may withdraw a motion with the consent of both the meeting and the seconder. If a Member declines to move a motion or is not present it shall be treated as withdrawn. 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.

4.20.10 Right of reply

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.

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.

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

4.20.11 Motions which may be moved during debate

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

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to suspend a particular rule of debate;
- to exclude the public and press in accordance with the Access to Information Rules; and
- to not hear further a Member named under 4.25.3 or to exclude them from the meeting under 4.25.4.

4.20.12 Closure motions

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

- to proceed to the next business;

- that the question be now put;
- to adjourn a debate; or
- to adjourn a meeting.

If a motion to proceed to next business is seconded and the Presiding Member 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.

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

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

4.20.13 Point of order

A Member may raise a point of order at any time. The Presiding Member will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Debate or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Presiding Member on the matter will be final.

4.20.14 Personal explanation

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

4.21 Voting

4.21.1 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 question was put. The Presiding Member may exercise a vote.

4.21.2 Presiding Member's casting vote

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

4.21.3 Show of hands

Unless a ballot or recorded vote is demanded under 4.21.4 or 4.21.5, the Presiding Member will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting confirming agreement to the resolution that has been identified by the Presiding Member and proposed and seconded.

4.21.4 Ballots

The vote will take place by written ballot if a Member present at the meeting demands it. The Presiding Member will announce the numerical result of the ballot immediately the result is known.

4.21.5 Recorded vote

If six Members present at the meeting demand it, the names for and against the motion or amendment and the names of those abstaining from voting will be taken down in writing and entered into the minutes.

4.21.6 Right to require individual vote 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.

4.21.7 Voting on appointments

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

4.22 Minutes and Decision Notice

4.22.1 Approving the minutes

The Presiding Member 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.

4.22.2 Form of minutes

Minutes will contain all motions and amendments in the exact form and order that they were put.

4.22.3 Decision Notice

The decision notice setting out the names of the members who attend the meeting and any apologies for absences, any declarations of interest and any decision taken at the meeting shall be published electronically within seven days of the meeting.

4.23 Record of Attendance

4.23.1 The record of Members' attendance will be published in the decision sheet and also in the minutes.

4.24 Exclusion of the Public

4.24.1 Members of the public and press may only be excluded in accordance with the Access to Information Rules in paragraph 4.28 or Disturbance by the Public Rules in paragraph 4.26.

4.25 Members' Conduct

4.25.1 Speaking at Council

When a Member speaks at full Council they will address the Council through the Presiding Member. The Presiding Member will call Members to speak. Other Members should not interrupt unless they wish to make a point of order or a point of personal explanation.

4.25.2 Call for Order

When the Presiding Member calls for order during a debate, any Member speaking at the time must stop. The meeting must be silent.

4.25.3 Member not to be heard further

If a Member persistently disregards the ruling of the Presiding Member by behaving improperly or offensively or deliberately obstructs business, the Presiding Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If carried, the Member concerned must be silent.

4.25.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Presiding Member 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 carried, the Member must leave.

4.25.5 General disturbance

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

necessary, without debate.

4.26 Disturbance by the Public

4.26.1 Removal of member of the public

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

4.26.2 Clearance of part of meeting room

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

4.27 Suspension and Amendment of Council Rules of Debate

4.27.1 Suspension

Any rule of debate may be suspended by a simple majority of Members present and voting.

4.28 Public access to information

4.28.1 The public shall have the following rights of access to information about Council decision making. These provisions are contained in the Local Government Act 1972 (as amended) which are paraphrased below.

Public notice of meetings

4.28.2 Public notice of the time and place of each meeting shall be given at least three clear working days before the meeting or, if the meeting is convened at shorter notice then at the time the meeting is convened.

Public access to the agenda for meetings and reports

4.28.3 Copies of the agenda for each meeting and copies of any report for the meeting shall be open to inspection by members of the public at the Civic Centre unless paragraph 4.28.8 applies.

4.28.4 These papers shall be available three clear working days before the meeting unless:

- The meeting is convened at less than three clear working days notice in which case they shall be available from the time of publication of the agenda; or
- An item is added to the agenda after its publication in which case they shall be available from the time at which it is added to the agenda.

- 4.28.5 These papers shall be available for inspection by members of the public for a period of six years from the date of the meeting.
- 4.28.6 Background papers referred to in any report shall also be available for inspection by members of the public from the time the agenda is published until four years after the date of the meeting. This requirement is satisfied if arrangements exist to produce the background paper on request as soon as reasonably practicable after a request is made. This paragraph shall not apply to any background papers that disclose exempt or confidential information.
- 4.28.7 Where a meeting is open to the public, a reasonable number of copies of the agenda and supporting reports shall be available at the meeting for use by the public if they are attending in person.
- 4.28.8 Paragraphs 4.28.3 to 4.28.5 shall not apply to any report where the Proper Officer is of the opinion that the meeting is likely not to be open to the press and public during the consideration of the report.
- 4.28.9 Where a document is open to inspection, a member of the public may make a copy or require the Proper Officer to provide a copy.

Public access to minutes

- 4.28.10 After a meeting, the minutes shall be available for public inspection for a period of six years from the date of the meeting.
- 4.28.11 Paragraph 4.28.10 shall not apply to any part of the minutes during which the meeting was not open to the public and which discloses exempt information but in this case, if the public minute does not provide a reasonably fair and coherent record of the whole or part of the proceedings, the Proper Officer shall provide a written summary of the proceedings or the part which provides a record without disclosing exempt information.

Items only to be added to agenda if urgent

- 4.28.12 An item of business may not be considered by the Council unless a copy of the agenda including the item has been available for inspection by the public for at least three clear days before the meeting (or from the time the meeting was convened if it was convened at less than three clear days notice) or (because of special circumstances which must be recorded in the minutes), the Presiding Member is satisfied that the matter should be considered at the meeting because of its urgency.

Access to meetings by the press and public

- 4.28.13 All meetings will be open to the press and public, unless the Council resolves to exclude the press and public during an item of business for one of the following reasons:

- because, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that confidential information would be disclosed to them in breach of the obligation of confidence or exempt information would be disclosed to them; or
- the Council is excluding a member of the public or the public at large because of the conduct of that person or because of a general disturbance under the powers set out in paragraph 4.26.

4.28.14 The definition of confidential information is set out in section 100A of the Local Government Act 1972 and the definition of exempt information is contained in schedule 12A of that Act.

4.28.15 A resolution to exclude the press and public because exempt information is likely to be disclosed shall identify the part of the proceedings to which it applies and the paragraph of schedule 12A that applies to the information.

4.29 Electronic Broadcasts of Meetings

4.29.1 Ordinary meetings of the Council will be broadcast live electronically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings.

Photographs and tape recording at meetings

4.29.2 Proceedings at meetings may not be photographed, videoed, tape recorded or transmitted in any way outside the meeting room without the prior permission of the Presiding Member or Chief Executive.

Statutory Provisions:

Parts I, II and VA, Section 99 and Schedule 12 of the Local Government Act 1972

Part II of the Local Government Act 2000

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 as amended.

End of Part Four