

PART 4
RULES OF
PROCEDURE

Council Procedure Rules

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- NOTE:
- These are the rules and procedures for the conduct of full Council, indicating also where these rules apply to Committees and Sub-Committee meetings.
 - All references to the 'Proper Officer' in these rules are to the Council's Service Director – Democratic Services & Communication.

COUNCIL PROCEDURE RULES

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 in May.

The annual meeting will:

- (i) elect the Presiding Officer/Llywydd of the Council
- (ii) elect the Deputy Presiding Officer/Dirprwy Lywydd of the Council
- (iii) elect a person to preside if the Presiding Officer/Llywydd or Deputy Presiding Officer/Dirprwy Lywydd of the Council is not present;
- (iv) elect the Mayor;
- (v) elect the Deputy Mayor of the Council;
- (vi) elect the Youth Mayor of the Council
- (vii) elect the Deputy Youth Mayor of the Council
- (viii) receive any announcements from the Presiding Officer/Llywydd, Mayor and/or ~~Head of the Paid Service~~ Chief Executive;
- (ix) elect the Leader of the Council;
- (x) be told by the Leader of the names of Councillors he/she has chosen to be Members of the Cabinet, as the Executive arm of the Council;
- (xi) receive from the Leader a written record of the delegations made by him/her for inclusion in the Council's formal scheme of delegation;
- (xii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (xiii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiv) approve a programme of ordinary meetings of the Council for the year; and
- (xv) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

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:

- (i) elect a person to preside if the Presiding Officer/Llywydd and Deputy Presiding Officer/Dirprwy Lywydd are not present;
- (ii) approve the minutes of a previous meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Presiding Officer/Llywydd, Mayor, Leader, Members of the Cabinet or the ~~Head of Paid Service~~ Chief Executive;
- (v) deal with any outstanding business from the previous Council meeting;
- (vi) receive reports from the Cabinet, Overview and Scrutiny Committee and the Council's Committees and receive questions and answers on any of those reports;
- (vii) consider any motions submitted by Members; and
- (viii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committee for debate.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings.

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

- (i) the Council by resolution;
- (ii) the Presiding Officer/Llywydd of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council may forthwith call a meeting if they have signed a requisition presented to the Presiding Member/Llywydd of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. Where Members decide to call an extraordinary meeting of the Council, they shall notify the Proper Officer that they have done so, the business to be transacted and the date and time for which the meeting has been called. The Proper Officer shall thereupon ensure that the

summonses required by paragraph 4(2) of Schedule 12 to the Local Government Act 1972, are published and sent to all Members.

3.2 **Business**

The summons to each meeting shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

4. **Time and Place of Meetings**

4.1 The time and place of meetings will be determined by the Proper Officer and notified to Members in the summons.

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

4.23 For all purposes of this Constitution the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place. Any reference to "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers

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 email to every Member of the Council. The summons will give the date, time and place of each meeting including reference to whether the meeting is to take place virtually or arrangements for a hybrid (physical and virtual) meeting are in place and specify the business to be transacted, and will be accompanied by such reports as are available at that time. The summons will also indicate whether the meeting is to be webcast. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish, with such requests being reviewed periodically by the Proper Officer.

5.2 **Cancelling or Postponing a Meeting**

The Proper Officer may cancel or postpone a meeting, after consultation with the Chair of the meeting, if it appears that in the interests of the proper despatch of the Council's business the meeting

should be cancelled or postponed.

6. **Person Presiding at the Meeting**

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

7. **Quorum**

Save for meetings of the Planning and Development Control Committee the quorum of a meeting will be one quarter of the whole number of Members.

A Member attending a meeting remotely will be counted for the purpose of establishing a quorum so long as that Member can, when they are speaking, be heard (and seen where possible) and they can hear (and see where possible) the other Members attending the meeting and the Proper Officer, or other officer appointed to act on his/her behalf.

During any meeting if the if the Presiding Officer/Chair counts the number of members present (both virtual attendance and actual attendee) and declares there is not a quorum present, then the meeting will adjourn immediately. If this is caused by technical difficulties experienced by a Members trying to access the meeting, or due to the hosting of a virtual meeting, then a period of 15 minutes shall be allowed to assess if the issue can be resolved. If the meeting remains inquorate, remaining business will be considered at a time and date fixed by the Presiding Officer / Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

If a Member is on Family Absence and it would be difficult to replace that Member on a temporary basis, the Presiding Officer/Llywydd can request that Member to attend a meeting if it might otherwise be inquorate.

No business is to be transacted at a meeting of the Planning and Development Committee unless at least half of the total number of members of the Committee, rounded to the nearest whole number, are present.

8. **Duration & Business of Council Meetings**

- 8.1 The Presiding Officer/Llywydd shall have the discretion to call an adjournment at an appropriate time in order to facilitate a 10-minute comfort break. The Presiding Officer/Llywydd may repeat such a break

as necessary.

8.2 The agenda and timings for items of business for any Council Meeting shall be agreed in accordance with these Rules by the Presiding Officer/Llywydd (Or deputy Presiding Officer/ Dirprwy Lywydd in his / her absence) in consultation with the Proper Officer at least 7 Working Days prior to the date of the Council meeting. Any time limits on agenda items may only be extended at the discretion of the Presiding Officer.

8.3 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Presiding Member. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Questions by Members

9.1 On Reports of the Executive or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Executive or a Committee, when that item is being received or is 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 Presiding Officer/Llywydd of the Council;
- the Mayor of the Council;
- a Member of the Executive;
- 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 County Borough of Rhondda Cynon Taff.

A maximum of 20 minutes shall be allowed for Questions on Notice at Full Council. A member will not be permitted to ask and have answered their supplementary question if the 20 minute time duration has expired. Any questions that are not dealt with in this time limit shall fall. The order of questions to be asked at each meeting shall be determined by a ballot conducted by the Proper Officer. Any questions on notice not answered will need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with these rules. This rule does not prevent a Member asking an urgent question to which the Presiding Officer has agreed can be put in accordance with Rule 9.4(b). Any such urgent questions shall be put prior to the

commencement of the 20 minutes allocated for questions received on notice

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 Chair a question on any matter in relation to which the Council has powers or duties or which affect the County Borough of Rhondda Cynon Taff 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:

- (a) the question has been received by the Proper Officer not later than 5:00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting; or
- (b) the question relates to an urgent matter, they have the consent of the Presiding Officer/Llywydd to whom the question is to be put and the content of the question is given to the Proper Officer by midday on the day of the meeting;
- (c) Each Member is permitted to ask one question per Council/Committee meeting (and a further supplementary question at the relevant Council meeting in accordance with Rule 9.6); and
- (d) The question must be submitted to the Proper Officer by the Member wishing to ask that question or by the Group Leader on behalf of that Member at the relevant Council/Committee meeting.
- (e) If a Member is not in attendance at a meeting where they have a question submitted by them included on the relevant Council meeting agenda the question will not be put and no written response will be required to be made by the Member to whom the question was to be addressed.

9.5 Response

An answer may take the form of:

- (a) a direct oral response at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer provided subsequently to the questioner, within 10 working days and a copy of that answer circulated to all Members.

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 supplementary question must arise directly out of the original question or the reply given to it.

10. **Motions on Notice**

10.1 **Notice**

- (a) No motion moved by notice pursuant to this Rule 10.1 will be debated at the Annual Meeting of the Council.
- (b) Except for motions which can be moved under Rule 10.5 (urgent motions) or without notice under Rule 11, notice of every motion shall only be properly given if it is:
 - within Rule 10.3
 - in writing, by fax or e-mail or via the Member's Portal (with the names of the Proposer and Secunder clearly stated); and
 - received by the Proper Officer not later than 5.00 p.m. at least eight clear working days (not including the date of the meeting) before the date of the meeting or, in any case where the Presiding Officer/Llywydd certifies that the subject matter is urgent and at the meeting gives reasons for its urgency, delivered to the Proper Officer before the start of the meeting.
- (c) Every notice of motion properly delivered will be dated and registered by the Proper Officer in the order in which they were received and open to Councillors' inspection after the deadline for receipt under Rule 10.1(b).
- (d) No notice of motion can be withdrawn or deferred once it has been delivered except:
 - (i) if prior to the commencement of the meeting, notice of withdrawal in writing signed by the Proposer, and Secunder has been delivered to the Proper Officer; or
 - (ii) in accordance with Rule 12.8.
 - (iii) Any notice of motion withdrawn or deferred once it has been delivered and published on the agenda will count against the Proposer's Group allocation, or if unallocated his/hers allocation, of notices of motion agreed in accordance with Rule 10.2(a).

Protocol

- (e) When Motions are submitted under this Rule 10 and more than two members are listed the first two signatures listed shall be deemed to be those of the Proposer and Secunder. A Group Leader may submit a Notice of Motion on behalf of the proposer and seconder of the Motion. Seconders to notices of motion under this Rule 10 shall be deemed to have given their consent to their names being used. The act by a Member of seconding a notice of motion shall not count against the Secunder's Group, or if unallocated his or her's, allocation of motions agreed in accordance with Rule 10.2(a).

10.2 **Number and sequence of motions of which notice has been given**

- (a) The motions of which notice has been given which may be moved at a meeting shall be limited to 2 at each Ordinary meeting of the Council up to a maximum total of 20 motions in each municipal year, the allocation of which, for the following municipal year shall be determined at the Annual Meeting.
- (b) Motions for which notice has been given under Rule 10.1 and which will be considered at the meeting by virtue of the operation of Rule 10.2(a) will be listed on the agenda in the order in which the notices were received.
- (c) Motions received after the first two will be returned by the Proper Officer to the proposers.

10.3 **Scope**

- 10.3.1 Subject to Rule 10.3.2 motions for which notice may be given under Rule 10.1 must be about matters for which the Council has a responsibility. Other matters which the Council could influence, that are the responsibilities of other Governments but which substantially affect the well-being of the administrative area of the Council, will also be allowed in the wider public interest subject to them not being defamatory, frivolous or offensive.
- 10.3.2 Any notice of motion which requires a change in the proposed or existing budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- 10.3.3 Any notice of motion which requires a change in the proposed or existing policy framework of the Council may only call for a report on the matter to be prepared for consideration by the Executive, Council or Overview and Scrutiny Committee/relevant thematic

Scrutiny Committee as appropriate.

10.3.4 If any notice of motion submitted appears to the Proper Officer to be out of order, illegal, irregular or improper, the Proper Officer shall immediately submit such notice to the Presiding Officer/Llywydd and it shall not be accepted. In the event of non-acceptance, the Proper Officer shall so inform the member giving notice.

10.4 **Amendments to Motions of which Notice have been given under Rule 10.1**

10.4.1 An amendment to a motion of which notice has been given under Rule 10.1 may not be moved unless notice of the amendment has been given to the Proper Officer in writing signed by the proposer of the amendment and seconded by 9.00 a.m. on the last working day before the meeting.

10.5 **Urgent Motions**

10.5.1 An urgent motion may be presented, with the permission of the Presiding Officer/Llywydd, provided it has been notified to the Proper Officer by 5.00 p.m. on the day prior to the Council meeting.

10.5.2 The Presiding Officer/Llywydd has the authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Presiding Officer/Llywydd who alone needs to be satisfied as to the need for urgency.

10.5.3 The general authority referred to in 10.5.2 above is qualified in that an urgent motion should not be taken unless:

- (a) the motion has arisen between the deadline for the submission of motions and the date of the meeting;
- (b) the motion requires an urgent decision in the public interest which cannot be dealt with by other means; and
- (c) the Presiding Officer/Llywydd confirms his/her agreement to the motion being discussed.

10.5.4 In all cases, the reason for the urgency shall be clearly stated, and the Presiding Officer/Llywydd will explain to the Council the reason why he/she has accepted a motion not listed on the agenda as urgent.

10.5.5 The Presiding Officer/Llywydd will ask the Council to decide whether the motion should be:

- Discussed at the meeting; or
- Deferred until the next meeting to consider with the benefit of written Officer advice; or
- Referred for consideration and decision to the Executive or a

Committee.

10.5.6 Urgent motions will not count against the allocation of motions agreed at the Annual Meeting for the following municipal year.

10.6 **Moving Motion of which Notice is given**

A motion of which notice is given under Rule 10.1 or notice of motion to amend under Rule 10.4 or Rule 10.5 must be formally moved and seconded at the relevant meeting by the Proposer and Secunder of the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn and may not be re-submitted for a period of six months.

11. **Motions Without Notice**

The following motions may be moved by any Member without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to ask that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to ask that the meeting continue beyond 3 hours in duration;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (q) 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 proposal and explained the purpose of it, until the motion has been seconded.

12.2 Right to Require Motion In Writing

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

12.3 Secunder'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

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 Officer/Llywydd acknowledging that flexibility shall be given where a speech is being delivered through the medium of Welsh to allow for simultaneous translation.

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:

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

12.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the sense or purpose of the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the

amendment under discussion has been decided.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) After an amendment has been carried, the Presiding Officer/Llywydd will read out the amended motion before accepting any further amendments, or if there are none, put the substantive motion to the vote.

12.7 Alteration of Motion

- (a) 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.
- (b) 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.
- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion

A Member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The question as to whether the consent of the meeting will be granted will be voted upon 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 of Reply

- (a) 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.
- (b) 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.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to ask that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to ask that the meeting continue beyond 3 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

12.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) to ask that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded, and the Presiding Officer/Llywydd 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.
- (c) If a motion that the question be now put is seconded, and the Presiding Officer/Llywydd 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.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Presiding Officer/Llywydd thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of Order

A Member may raise a point of order at any time. The Presiding Officer/Llywydd 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 or law and the way in which he/she considers it has been broken. The ruling of the Presiding Officer/Llywydd 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. The ruling of the Presiding Officer/Llywydd on the admissibility of a personal explanation will be final.

12.14 Members may speak in English or Welsh and for the avoidance of doubt may exercise any right they have under these Council Procedure Rules through either medium.

13. State of the County Borough Debate

13.1 Calling of Debate

The Council Leader will call a state of the County Borough debate annually on a date and in a form to be agreed with the Presiding Officer/Llywydd.

13.2 Form of Debate

The Leader will decide the form of the debate, with the aim of enabling the widest possible public involvement, direct participation and publicity. This may include prior engagement with residents, Scrutiny and other relevant stakeholders.

13.3 Chairing of Debate

The debate will be Chaired by the Presiding Officer/Llywydd.

13.4 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council; and
- (ii) considered by the Leader and the Cabinet in proposing the budget and policy framework to the Council for the coming year.

14. Previous Decisions and Motions

14.1 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 a third of the Members.

14.2 **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 third of the Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14.3 **Officer Recommendation**

This standing order does not apply to motions resulting from a recommendation of an Officer of the Council.

15. **Voting**

15.1 **Majority**

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

15.2 **Chair's Casting Vote**

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

15.3 **Show of Hands or Electronic Voting**

The Presiding Officer/Llywydd will take the vote by show of hands, or electronic voting or, if there is no dissent, by the affirmation of the meeting.

15.4 **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 amendment or abstained from voting.

15.5 **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.

16. Minutes

16.1 Signing the Minutes

The Presiding Officer/Llywydd will sign the minutes of the proceedings at the next suitable meeting. The Presiding Officer/Llywydd will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed at the subsequent meeting is their accuracy. Where Members are present virtually, the Proper Officer will ensure that these details are captured accordingly.

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

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

16.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Presiding Officer/Llywydd put them.

17. Record of Attendance

All Members physically 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. Where Members are present virtually, the Proper Officer will ensure that these details are captured accordingly.

18. Exclusion of Public

Members of the public and press may be excluded only either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. Members' Conduct at Meetings

19.1 Standing to Speak

The Presiding Officer/Llywydd may agree in the interests of the proper conduct of the meeting that a Councillor or Councillors generally may remain seated when whilst addressing the meeting.

19.2 **Presiding Officer/Llywydd Standing**

When the Presiding Officer/Llywydd stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

19.3 **Member Disregarding Ruling of Presiding Officer/Llywydd**

The Presiding Officer/Llywydd shall check a member for irrelevance, tedious repetition, failure to address the chair, unbecoming language, or reflections of a personal character on another member. If the member disregards the Presiding Officer/Llywydd, the Presiding Officer/Llywydd may order him/her to end his/her speech and, if he/she considers it necessary, following a resolution of the Council or on his/her own initiative, order his/her removal from the meeting.

19.4 **Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Presiding Officer/Llywydd 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.

19.5 **General Disturbance**

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

20. **Disturbance by Public**

20.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Presiding Officer/Llywydd will warn the person concerned. If they continue to interrupt, the Presiding Officer/Llywydd 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 Presiding Officer/Llywydd may call for that part of the room to be cleared. If there is a general disturbance on the online meeting platform, the Presiding Officer/Llywydd 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 15.4 and 16.2 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. Appointment of Substitute Members for Certain Committees

22.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members for the Standards Committee, Appointments Committee, Appeals/Employee Appeals/Chief Officer Appeals Committee and VER Panel only.

22.2 Number

For the four Committees mentioned in Rule 22.1 above the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on the four Committees.

22.3 Powers and Duties

Substitute Members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

22.4 Substitution

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the

- meeting; and
- (iii) after notifying the Proper Officer via e-mail or telephone by 8.30 a.m. on the day of the meeting of the intended substitution.

23. Photographs and Recording of Meetings

Proceedings at meetings will be tweeted live via the Council's official twitter account and live streamed via webcasting through the Council's website. Elected Members and members of the public are also permitted to use social media during Council meetings provided it does not disrupt proceedings. (Members must keep their mobile phones (and other similar communication equipment) switched off, or set to silent, during the course of the meeting). Save for these exemptions proceedings may not otherwise be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Presiding Officer/Llywydd. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public).

As part of the webcasting, participants images and sound will be captured for the duration of attendance within the meeting. If a participant has any concerns, about such recording they should contact the proper officer in advance of the meeting. If any concerns are received, a decision will be made by the Proper Officer on how best to continue the meeting, which could result in the meeting being rescheduled or postponed. Participants will not be penalised for raising concerns relating to the Video Recording.

24. Application to Committees and Sub-Committees

All the Council Rules of Procedure apply to meetings of full Council with the exception of Rule 22. None of the rules apply to meetings of the Executive. Only Rules 4–12, 14–23, 25 and 26 apply to meetings of Committees and Sub-Committees. Rule 22 applies to the Standards Committee, Appointments Committee, Appeals/Employee Appeals/Chief Officer Appeals Committee and VER Panel.

25. Family Absence for Members

25.1 A Member on maternity absence or parental absence may, subject to paragraph 25(2) and (6) below:

- Attend particular meetings
- Attend particular descriptions of meetings
- Perform particular duties; or
- Perform duties of a particular description

- 25.2 The Member must obtain the permission of the Presiding Officer/Llywydd before attending any meeting or performing any duty.
- 25.3 The Presiding Officer/Llywydd must inform the Leaders of each political group of the Local Authority before granting permission under paragraph 25.2 above.
- 25.4 A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph 25.2 above.
- 25.5 The Head of Democratic Services must refer a complaint under paragraph 25.4 above to the Presiding Officer/Llywydd.
- 25.6 A Panel constituted in accordance with The Family Absence for Members of Local Authorities (Wales) Regulation 2013 must determine a complaint made under paragraph 25.4 above.
- 25.7 The Panel may:
- Confirm the decision of the Presiding Officer/Llywydd of the Council; or
 - Substitute its own decision as to the Member attending any meeting or performing any duty.

26. **Multi Location Meetings**

- 26.1 Multi Location Meetings (Remote attendance) at meetings of the Council will only be permitted where the conditions of section 47(2)(b) of the Local Government & Elections Wales Act 2021 are met which means any Member attending a meeting remotely (the “remote attendee”) must when they are speaking, be able to be seen and heard by the Members who are attending the meeting at the place where the meeting is held (“Members in actual attendance”) and the remote attendee must, in turn, be able to see and hear those in actual attendance. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting. If there is more than one remote location, all the Members attending remotely must be able to hear, but not necessarily see, the other remote attendees.
- 26.2 The failure of any technological provision whether that leads to a partial or complete loss of contact between the remote attendees and those Members in actual attendance during the meeting shall not invalidate any part of the deliberations or any vote taken. The Presiding Officer / Chair may postpone the meeting if they deem that appropriate or may adjourn the meeting if they deem that appropriate whilst any technological issues are resolved.

- 26.3 If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communications/technological failure.
- 26.4 It will be incumbent on participants attending meetings remotely to ensure the suitability of their location for the meeting and to ensure any confidential items considered at the meeting, as defined in Schedule 12A of the Local Government Act 1972 are not disclosed to the public.
- | 26.5 Where the Presiding Officer / ~~Chair~~Llwydd determines the conditions stipulated in 26.4 above are not being adhered to by a Member they have the discretion to direct that the Member move to a location which would meet the conditions to satisfy 26.4 above.

Access To Information Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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NOTE: • Reference to the Proper Officer is to the Service Director – Democratic Services & Communications (with the exception of Rule 11 where the reference is to the Monitoring Officer).

ACCESS TO INFORMATION PROCEDURE RULES

1. **Scope**

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, the Standards Committee, and Regulatory Committees.

2. **Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. **Rights to Attend Meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. **Notices of Meeting**

(a) Unless a meeting is convened at short notice, the Council will give at least three clear days notice of any meeting by posting details of the meeting at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale.

(b) Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

(c) Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

(d) Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

(e) Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

5. **Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

6. **Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other printing and handling costs.

7. **Access to Minutes etc after the Meeting**

The Council will make available copies of the following for a period of six years after the date of a meeting:

- (a) the minutes of the meeting or record of decisions taken by the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- (b) a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. **Background Papers**

8.1 **List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Rule 10.

8.2 **Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at, the Council Offices, The Pavilions, Clydach Vale and published on the Council's website.

10. **Exclusion of Access by the Public to Meetings**

10.1 **Public and Private Meetings of the Cabinet**

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these procedure rules. This does not prevent the Cabinet from holding informal deliberations in private, with or without Officers present, but these meetings shall not take decisions.

10.2 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

10.3 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.5 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category of Exempt Information (and relevant paragraph number in associated regulations)	Condition
12. Information relating to a particular individual.	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual.	Public interest test applies (see below)

<p>14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993 <p>Public interest test applies (see below)</p>
<p>15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority <u>or a Welsh Minister</u> or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Public interest test applies (see below)</p>
<p>16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>17. Information which reveals that the authority proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Public interest test applies (see below)</p>

<p>18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Public interest test applies (see below)</p>
<p><i>(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of Section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i></p> <p>18(a) Information which is subject to any obligations of confidentiality.</p> <p>18(b) Information which relates in anyway to matters concerning national security.</p> <p>18(c) The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.</p>	<p>Public interest test applies (see below)</p>
	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

Public Interest Test

Information which:

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and
- (b) is not prevented from being exempt by virtue of the 'qualifications' above,

is exempt information if and so long, as in all the circumstances of the

case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. Exclusion of Access by the Public to Reports

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication", together with the category of information likely to be disclosed and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

12. The Forward Work Programme

12.1 Period of Forward Work Programme

The Forward Work Programme will be prepared by the Proper Officer to cover a period of three months. It will be updated at the end of this period.

12.2 Contents of Forward Work Programme

The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committee, full Council and Officers (Key Decisions under the Scheme of Delegation) are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committee.

The Cabinet Forward Work Programme will need to ensure it is robust, open and transparent of forthcoming decisions to ensure Overview and Scrutiny are provided with sufficient information to allow them to conduct their role effectively. The work programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish the Forward Work Programme on the Council's website.

13. Consultation on Proposals to be Considered by the Cabinet

At least four weeks should be permitted in the Forward Work Programme timetable for consultation with the Overview and Scrutiny Committee and Electoral Ward Members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in para 10).

A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within four weeks.

A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council or, in his/her absence, the Vice Chair will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

14. Record of Decisions of the Executive

14.1 The Decision Record

- (a) A written record will be made of every Executive decision made by the Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.
- (b) This decision record will include a statement, for each decision, of:
 - (i) the Members present (and any apologies received)
 - (ii) the decision made;
 - (ii) the date the decision was made;
 - (iii) the reasons for that decision;
 - (iv) any personal interest declared;
 - (v) any dispensation to speak granted by the Authority's Standards Committee; and
 - (vi) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

14.2 Preparing the Decision Record

- (a) The Proper Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of the Executive and shall, within 2 clear working days of the decision being taken produce a decision record which must be published on the Council's website.
- (b) Where an individual Cabinet Member has made any Executive decision,
 - (i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

- (ii) the decision shall not be implemented until that decision record has been produced, subject to (c) below.
- (c) Where the date by which an Executive decision made by an individual Cabinet Member must be implemented makes compliance with (b) ii above impracticable, the decision may be implemented if the decision maker has the agreement of
 - (i) the Chair of the Overview and Scrutiny Committee, or
 - (ii) if there is no such person or that person is unable to act, the Presiding Officer/Llywydd, or
 - (iii) if there is no Chair of the Overview and Scrutiny Committee or the Presiding Officer/Llywydd, the Deputy Presiding Officer/ Dirprwy Lywyddthat the making of the decision is urgent and cannot reasonably be deferred.

15. Decisions by An Individual Member of the Cabinet

15.1 Reports Must Be Taken Into Account

Where an individual Member of the Cabinet intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

15.2 Provision of Copies of Reports to Overview and Scrutiny Committee

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

15.3 Record of Individual Decision

The decision recording rules in para. 14 will apply.

16. Record of Key Decisions taken by Officers under the General Scheme of Delegation to Officers

16.1 A record of the Key Decision must be made by the Officer taking the decision in accordance with Section 5 of Part 3 of the Constitution.

16.2 Key Decisions taken by Officers under the General Scheme of Delegation shall be published on the Council's website within 2 clear working days following the decision being taken.

Overview and Scrutiny Committee Access to Documents

17.1 Rights of Access

Subject to Rule 17.2 below, the Overview and Scrutiny Committee will be entitled to access to any document which is in the possession or control of the Executive or its Committees and which contains material relating to

- (a) any business transacted at a meeting of the Cabinet or its

Committees; or

- (b) any decision taken by an individual Member of the Executive.
- (c) any Key Decision taken by an Officer under the General Scheme of Delegation

17.2 **Limit on Rights**

The Overview and Scrutiny Committee will not be entitled to any part of a document that contains:

- (a) confidential or exempt information, or
- (b) advice provided by a political advisor or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Committee.

18. **Additional Rights of Access for Members and Officers**

18.1 **Rights of Access**

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Member of the Executive.

18.2 **Limitation on Rights**

A Member will not be entitled to any part of a document where

- (a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972, or
- (b) it would disclose advice of a political advisor or assistant.

18.3 **Nature of Rights**

These rights of a Member are additional to any other right he/she may have.

18.4 **Information available to Officers**

The Monitoring Officer, Chief Finance Officer and the Chief Executive may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

- (a) they need to see the information to do their job;
and
- (b) that information is processed lawfully in accordance with Data Protection legislation.

Executive Procedure Rules

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(n.b. page numbering to be updated as necessary in published version if approved)

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EXECUTIVE PROCEDURE RULES

1.1 Who May Make Executive Decisions?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual Member of the Cabinet;
- (iv) an Officer;
- (v) an Area Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 The Leader appoints and dismisses the Members of the Executive subject only to their being a minimum of two, and a maximum of nine, Members of the Executive (not counting the Leader) at any time .This number may be increased pursuant to Article 7.09 of Part 2 of this Constitution in the event of a job share to 13.

1.23 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council an electronic record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- (vi) the nature and extent of any delegation to Officers, with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

1.34 Sub-Delegation of Executive Functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual

Member of the Cabinet is responsible for an executive function, they may delegate further to an Area Committee, joint arrangements or an Officer.

- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an Officer.
- (c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated such functions.

1.54 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.

1.56 Conflicts of Interest

- (a) Where the Leader has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every Member of the Cabinet has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.67 Cabinet Meetings – When and Where?

The Cabinet will meet at least 12 times in each municipal year, at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices, through multi locations (hybrid) or at another location to be agreed by the Leader.

1.78 Quorum

The quorum for a meeting of the Cabinet shall be 4 and the quorum for a Committee of the Cabinet shall be 3.

1.89 How Are Decisions To Be Taken By The Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a Committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How Are Cabinet Meetings Conducted?

2.1 Who Presides?

If the Leader is present, he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader, the Cabinet will appoint a person from among those present to preside at that meeting.

2.2 Who May Attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution. For the avoidance of doubt, where meetings are not open to the public, Members of the Council who are not Cabinet Members may remain in the meeting as observers only.

2.3 What Business?

At each meeting of the Cabinet, the following business will be conducted:

- (i) consideration of the minutes of the previous meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee, Finance and Performance Scrutiny Committee or by the Council) for reconsideration by the Cabinet, in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Cabinet Committees;
- (v) consideration of reports from the Overview and Scrutiny Committee;

- (vi) reports from Officers of the Authority;
- (vii) matters set out in the agenda for the meeting.

2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and with the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who Can Put Items On The Cabinet Agenda?

- (a) The Leader will decide the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- (b) The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet, where the Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- (c) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting and address the Cabinet with the consent of the Leader.
- (d) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the [Head of Paid Service Chief Executive](#), Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

N.B. Reference to the Proper Officer is to the Service Director: Democratic Services & Communications (and in his/her absence the Chief Executive).

[2.6 The Council's arrangements for multi-location meetings apply to meetings of the Executive.](#)

Overview and Scrutiny Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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All references to the 'Proper Officer' in these rules are to the Council's Service Director – Democratic Services & Communication.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What Will Be The Arrangements For Overview and Scrutiny?

- (a) The Council will have an Overview and Scrutiny Committee and four thematic Scrutiny Committees as set out in Article 6 and will appoint them as it considers appropriate from time to time. The Committees may appoint working groups when considered appropriate.
- (b) The terms of reference of the Overview and Scrutiny Committee will be:-
 - (i) To agree an annual overview and scrutiny work programme, including the review of the thematic Scrutiny Committees' work programmes to ensure that there is efficient use of the Committees' time, and that the potential for duplication of effort is minimised.
 - (ii) Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute.
 - (iii) To receive requests from the full Council and/or Cabinet for reports from Overview and Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
 - (iv) To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for re-consideration are managed effectively.
 - (v) At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business.
 - (vi) To have the powers of an Overview and Scrutiny Committee in relation to Executive decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000
 - (vii) To prepare an Annual Report to Council on the work of the Overview and Scrutiny Committees during the preceding municipal year.
 - (viii) Pursuant to, and in accordance with, Sections 19 and 20 of the Police and Justice Act 2006 (and regulations and guidance made thereunder) to:-
 - (i) Review or scrutinise decisions made or action taken in connection with the discharge of

Crime and Disorder functions.

- (ii) Make reports or recommendations to Council in connection with the discharge of those functions in which case it must supply a copy to each responsible authority or co-operating person or body
 - (ii) To co-opt such persons as the Committee considers appropriate when discharging such functions in (i) and (ii) above.
- (c) The terms of reference of the Overview and Scrutiny and thematic Scrutiny Committees will be:-
- (i) The performance of all Overview and Scrutiny functions on behalf of the Council.
 - (ii) Each Scrutiny Committee will be Chaired by a Chair (one for each of the four thematic Scrutiny Committees) appointed from the membership of the Council in accordance with the requirements of the Local Government (Wales) Measure 2011.
 - The membership of each Scrutiny Committee is calculated individually according to the political balance of the Council.
 - The Scrutiny Committees shall, undertake the following:- investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate; conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with appropriate bodies/partnerships;
 - consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;
 - question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough;
 - liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
 - question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

2. **Who May Sit On the Overview and Scrutiny Committees?**

All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committee and thematic Scrutiny Committees. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

The Chairs and Vice Chairs of the Public Service Delivery, Communities and Prosperity, Children and Young People and Health and Well-Being Scrutiny Committees will be appointed to the membership of the Finance and Performance Scrutiny Committee. The Chair and Vice Chair of the Council's Governance and Audit Committee are permitted to attend meetings of the Finance and Performance Scrutiny Committee in a non-voting capacity.

The political balance of the Council allows for certain political groups to be represented on, and nominate their Members to sit on, the Council's Scrutiny Committees. However the political balance also means it's not possible for some non-executive Members who belong to certain political groups as well as those who are unallocated to have the ability to participate in the scrutiny process. Such Members affected can therefore choose to attend meetings of a Scrutiny Committee of their choice, for which they may have a particular interest or expertise, on an ex-officio/co-opted basis subject to notifying the Proper Officer each Municipal Year following the Annual General Meeting of which Scrutiny Committee they wish to attend.

For the avoidance of doubt such Members are not voting members of the relevant Scrutiny Committee they choose although they are able to nominate themselves and participate in any scrutiny working group(s) they may have an interest in joining. It is, of course, open to any Member to attend a Scrutiny Committee in their capacity as an elected Member but in order to speak at a relevant Scrutiny Committee meeting they are required to seek permission from the Chair before doing so. By being appointed on an ex-officio/co-opted basis to a Scrutiny Committee in accordance with the above then this requirement is removed.

3. **Co-optees**

The Overview and Scrutiny Committees or thematic Scrutiny Committees shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. **Education Representatives**

The Children and Young People Scrutiny Committee shall include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the Welsh

Government.

5. **Meetings of the Overview and Scrutiny Committee, and thematic Scrutiny Committees**

There shall be at least six ordinary meetings of the Overview and Scrutiny Committee and at least eight ordinary meetings of each of the thematic Scrutiny Committees in each year, subject to business needs. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair or by the Proper Officer if he/she considers it necessary or appropriate.

6. **Quorum**

The Quorum for the Overview and Scrutiny Committees and thematic Scrutiny Committees shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.

7. **Who Chairs**

The arrangements included in sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to chair the Scrutiny Committees.

8. **Role of the Chair of the Overview and Scrutiny Committee**

The role of Chair of the Overview and Scrutiny Committee will be essential in implementing the new method of working. The Chair, together with the four Chairmen of the thematic Scrutiny Committees will liaise with the Cabinet and supervise the Work Programme and identify cross cutting themes arising from the four thematic Scrutiny Committees.

In summary, therefore, the Chair will:

- (i) be accountable for delivering the new way of working for Scrutiny;
- (ii) will meet regularly with the four Chairmen of the thematic Scrutiny Committees to monitor Work Programmes;
- (iii) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and
- (iv) following their validation by the Head of Democratic Services determine which Scrutiny Committee should deal with Councillor Call for Actions (CCfAs) made pursuant to the Local Government (Wales) Measure 2011 or under the requirements of the Police and Justice Act 2006.

9. **Work Programme**

The Overview and Scrutiny Committee and thematic Scrutiny

Committees will be responsible for setting their own Work Programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

10. **Agenda Items**

- (a) Any Member of the Overview and Scrutiny Committee or thematic Scrutiny Committees shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

N.B. the above paragraph is a requirement of the Local Government Act 2000.

- (b) On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.
- (c) The Overview and Scrutiny Committee and thematic Scrutiny Committees shall also respond, as soon as their Work Programme permits, to requests from the Council and if it considers it appropriate the Cabinet, to review particular areas of Council activities. Where they do so, the Overview and Scrutiny Committee or thematic Scrutiny Committees shall report its findings and any recommendations back to the Council and/or Cabinet.

11. **Policy Review and Development**

- (a) The role of the Finance and Performance Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committees or thematic Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

12. **Reports from Overview and Scrutiny Committee**

Once it has formed recommendations or proposals for development, the Overview and Scrutiny Committee or thematic Scrutiny

Committees will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

13. Making Sure that Overview and Scrutiny Reports are Considered by the Cabinet

- (a) Where appropriate the agenda for Cabinet meetings shall include an item entitled “Issues Arising From An Overview and Scrutiny Committee or thematic Scrutiny Committee”. The reports of Overview and Scrutiny Committee or thematic Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda.
- (b) Overview and Scrutiny Committee and thematic Scrutiny Committees will in any event have access to the Cabinet’s forward work programme for decisions and intentions for consultation. Even when an item is not the subject of detailed proposals from the Overview and Scrutiny Committee or a thematic Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet’s consultation process.

14. Rights of Overview and Scrutiny Committee Members to Documents

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees and thematic Scrutiny Committees have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and thematic Scrutiny Committees as appropriate, depending on the particular matter under consideration.

15. Members and Officers Giving Account

- (a) The Overview and Scrutiny Committee or any thematic Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any other Member of the Cabinet, the ~~Head of Paid Service~~Chief Executive and/or any Senior Officer to attend before it to explain in relation to matters within their remit;
 - (i) any particular decision or series of decisions; and/or
 - (ii) the extent to which the action is taken to implement

Council policy; and/or

(iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any Member or Officer is required to attend the Overview and Scrutiny Committee or any thematic Scrutiny Committee under this provision, the Chair of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting in which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place.

16. **Attendance by Others**

The Overview and Scrutiny Committee and thematic Scrutiny Committees may invite people other than those people referred to in the above paragraphs to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance of such individuals is entirely optional.

17. **Call-In**

17.1 **Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, under joint arrangements or a Key Decision is made by an Officer (under the General Scheme of Delegation), it must be published on the Council's website by the responsible proper officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That 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 3 clear working days after the publication of the decision, unless any 3 Non-Executive Members object to it and call it in for review under these procedure rules.

- (c) During that period the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. Following the expiry of the 3 clear working day period in which a decision can be called-in the Proper Officer shall convene a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine. Where possible the Proper Officer will consult with the Chair or Vice-Chair of the Overview and Scrutiny Committee as to a suitable date and in any case the meeting will be held within 5 clear working days of the expiration of the relevant call-in period (only in exceptional circumstances will the Chair (in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny Committee acts as a signatory to a call-in he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee should be read as a reference to the 'Vice-Chair' of the Overview and Scrutiny Committee. In the situation where both the Chair and Vice Chair of Overview and Scrutiny Committee act as signatories to a call in then the Chair of the meeting in respect of matters relating to the call-in shall be selected from the rest of the Overview and Scrutiny Committee membership by majority vote.
- (e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body or person for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting
- (f) If following an objection to the decision, the Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date and time immediately following the closure of the Overview and Scrutiny Committee meeting.

- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- (i) the Overview and Scrutiny Committee may only call-in a total of 3 decisions per 2 month period;
 - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
 - (iii) once a Member has acted as a signatory to a call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired; and
 - (iv) No Education Co-opted Members may request a decision be called in.
- (j) The Proper Officer (in consultation with the Monitoring Officer) may veto any request for call-in if it falls outside the remit of this scheme.
- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.
- (l) A request for call in, made in accordance with these Overview and Scrutiny Procedure Rules, can be submitted either by hand to a Democratic Services officer using the designated call-in form (a copy of which is available on request from Democratic Services) or via electronic mail (email), or via

completion of the relevant form through the Member's Portal Any request submitted electronically must be sent by one of the three signatories to the call-in and in respect of emailed submissions emailed to the following email address – scrutiny@rctcbc.gov.uk. For the purposes of checking compliance with these rules the electronic submissions will have been deemed to be received at the time it is received into the Scrutiny mailbox/ received via the Member's Portal. In order to be a valid call in request any request submitted via email must include all of the same information and details as is required to be completed in the designated hardcopy call-in form. Attaching a copy of the call in form to the email or Member's Portal is acceptable. The three signatories to the call in request should keep an audit trail of their agreement to collectively submit the call in request. This will only be requested by the Proper Officer in the event of there being any dispute that a member (or members) did not consent to being a signatory to the call in request.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for call-in meeting as per details recorded on the call-in request.
- (3) Chair to invite the three Members who have acted as signatories to the call-in to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the call-in request.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.

- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.
- (10) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Secretary to the Cabinet.

17.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, an individual Cabinet Member or a Key Decision made by an Officer (under the General Scheme of Delegation) is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public 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. The Presiding Officer/Llywydd must agree both 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 Presiding Officer/Llywydd the Deputy Presiding Officer's/Dirprwy Lywydd consent shall be required. In the absence of both, the ~~Head of Paid Service~~ Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported to Council on a three-monthly cycle, together with the reasons for the decision(s) being urgent.
- (b) 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.

18. The Party Whip

When considering any matter in respect of which a Member of the Overview and Scrutiny Committee or thematic Scrutiny Committees is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Committees deliberations on the matter. The declaration, and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

19. Procedure at Overview and Scrutiny and thematic Scrutiny Committee Meetings

- (a) The Overview and Scrutiny Committees and thematic Scrutiny

Committees shall consider the following business:

- (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) where appropriate, responses of the Cabinet to reports of the Overview and Scrutiny Committee;
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) The rules of procedure at Overview and Scrutiny Committee and thematic Scrutiny Committees will be the same as the Council Procedure Rules except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether as members of the Committee or in any other capacity which allows them to contribute to the work of the meeting.
- (c) Where the Overview and Scrutiny Committee or thematic Scrutiny Committees conducts investigations, those Committees may also ask people to attend to give evidence at those meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all Members of those Committees be given the opportunity to ask questions of attendees and to contribute and speak;
 - (ii) that those assisting Committees by giving evidence be treated with respect and courtesy;
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (d) Following the investigation or review, the Overview and Scrutiny Committee/thematic Scrutiny Committee should prepare a report, for submission to the Cabinet and or Council as appropriate and shall make its report and findings public.

Officer Employment Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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OFFICER EMPLOYMENT PROCEDURE RULES

Interpretation

For the purposes of these Rules:

- “Chief Officer” has the same meaning as in the Local Authorities (Standing Orders)(Wales) Regulations 2006, namely, the ~~Head of Paid Service~~Chief Executive; the Monitoring Officer; a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the same 1989 Act
- “Deputy Chief Officer” has the same meaning as in Section 2(8) of the Local Government and Housing Act 1989, being a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff)

Restrictions on the Appointment of Members as Officers

A Member of the Council is disqualified from being appointed to any Officer position at the Council while they remain a Member.

1. Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are the:

- | | |
|--|----------------------------------|
| <input type="checkbox"/> Parent | <input type="checkbox"/> Brother |
| <input type="checkbox"/> Grandparent | <input type="checkbox"/> Sister |
| <input type="checkbox"/> Partner | <input type="checkbox"/> Uncle |
| <input type="checkbox"/> Child | <input type="checkbox"/> Aunt |
| <input type="checkbox"/> Stepchild | <input type="checkbox"/> Nephew |
| <input type="checkbox"/> Adopted Child | <input type="checkbox"/> Niece |
| <input type="checkbox"/> Grandchild | |

of an existing Councillor or employee of the County Borough Council; or of the partner of such persons.

- (ii) No candidate so related to a Councillor or employee will be appointed without the authority of the relevant Chief

Officer or an Officer nominated by him/her.

- (b) Seeking support for appointment
 - (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This rule will be included in any recruitment information.
 - (ii) No Councillor will seek support for any person for any appointment with the Council.

2. **Appointments**

Where the Council proposes to appoint a Chief Officer (as defined above), and it is proposed that, the remuneration of the Chief Officer post be £100,000 or more per annum, the Director of Human Resources must:

- (a) draw up a statement specifying –
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be publically advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request unless the proposed appointment is for a period of 12 months or less
- (d) Where a post has been advertised as provided in paragraph 2(b), the Council must -
 - (i) interview all qualified applicants for the post, or
 - (ii) select a short list of such qualified applicants and interview those included on the short list.
- (e) Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with paragraph 2(b).

3. **Appointment of Chief Officers**

Full Council must approve the appointment of the **Head of Paid Service Chief Executive** and other Chief Officers following the recommendation by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one Member of the Executive but no more than half must be Members of the Executive.

4. **Appointment of Deputy Chief Officers and Head of Democratic Services**

A Committee or Sub-Committee of the Council will appoint persons to these posts. That Committee or Sub-Committee must include at least

one Member of the Executive but no more than half must be Members of the Executive.

5. **Appointments to Head of Service - Level 1-2 and Heads of Service (Soulbury)**

Appointment to these posts is the responsibility of the ~~Head of Paid Service~~Chief Executive and other Chief Officers in conjunction with the Director of Human Resources.

6. **Other Appointments**

Appointment to these posts is the responsibility of senior managers, or their nominated representative(s).

N.B. Honorarium payments/acting up appointments can be agreed by senior managers who are employed on chief officer terms and conditions of employment, or their nominated representative(s). However, such arrangements should not exceed a period of 6 months. Any extension to these arrangements must be made in conjunction with the Director of Human Resources.

7. **Remuneration of Chief Officers**

Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by full Council.

Disciplinary Matters

8. ~~Head of Paid Service~~ **(Chief Executive), Monitoring Officer, Chief Finance Officer & Head of Democratic Services**

General

8.1 The principles of natural justice and of good management practice must govern the conduct of any proceedings against the ~~Head of Paid Service~~Chief Executive, Chief Finance Officer, Monitoring Officer or Head of Democratic Services (a 'relevant officer') on the grounds of either alleged misconduct (i.e. 'discipline') or alleged inability to carry out the role of a relevant officer (i.e. 'capability'). The Council should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

8.2 No disciplinary action (other than action to which the sub-paragraph 8.2.1 below applies) in respect of a relevant officer may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a "designated independent person" under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

8.2.1 The action to which this paragraph applies is suspension of the relevant officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day

on which the suspension takes effect.

Disciplinary Procedure

The disciplinary procedure is as follows:-

8.3 An Investigation Committee of 3 Members, the Leader of the Council and the Cabinet Member with responsibility for Human Resources, together with such other nominated Members as are needed to satisfy the political balance requirements of the Local Government and Housing Act 1989 shall be empowered to suspend from duty the aforementioned officers in accordance with sub-paragraph 8.2.1 above pending investigation of an allegation of misconduct.

8.4 The Investigation Committee must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

For the purpose of considering the allegation of misconduct, the Investigation Committee:

- (a) may make such enquiries of the relevant officer or any other person it considers appropriate;
- (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
- (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

8.5 (a) Where it appears to the Investigation Committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint the “designated independent person”.

(b) The designated independent person who is appointed –

- (i) must be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
- (ii) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers.

(c) The designated independent person –

- (i) may direct –
 - that the Council terminate any suspension of the relevant officer;
 - that any such suspension is to continue after the expiry of the 2 month period referred to in paragraph 8.2.1
 - that the terms on which any such suspension has

taken place are to be varied in accordance with the direction; or

- that no steps (whether by the Council or any committee, sub-committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (iv);
- (ii) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council, or which the Council has power to authorise the designated independent person to inspect;
- (iii) may require any member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;
- (iv) must make a report to the Council –
- stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
 - recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer, and
- (v) must no later than the time at which the report is made under sub-paragraph (iv), send a copy of the report to the relevant officer.
- (d) Subject to paragraph (e), the relevant officer and Investigating Committee, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (e) Where there is no agreement under paragraph (d), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (f) The Council must consider the report prepared under paragraph (c)(iv) within 1 month of receipt of that report.
- (g) The Council must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with the discharge of functions under this regulation.

8.6 For the purposes of this Rule 8, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as

a relevant officer.

9. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

Introduction

The following procedures relating to discipline and capability apply to Chief Officers (with the exception of a relevant officer), Deputy Chief Officers and Heads of Service Level 1-2 and Head of Service (Soulbury). In cases of gross misconduct, it may not be necessary to operate all stages of the disciplinary procedure.

Disciplinary Procedure

1. The ~~Head of Paid Service~~ Chief Executive should undertake a preliminary investigation of any disciplinary complaint against an officer. If appropriate, because of prior personal involvement by the ~~Head of Paid Service~~ Chief Executive or for other special reasons the Council may instead arrange for the preliminary investigation to be undertaken by another suitable Chief Officer.
2. Prior to the appointment of an Investigating Committee, the Leader of the Council and an appropriate Cabinet Member together with such other nominated members as are needed to satisfy the political balance requirements of the Local Government and Housing Act 1989, shall be empowered to suspend from duty the officer concerned.

(Full details of the procedure are contained within the Disciplinary Policy for Chief Officers).

10. **Other Positions**

Power to suspend and discipline employees below the level of those outlined in Rule 8 and 9 above is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

In addition, officers at Grade 15 are authorised to give warnings up to a final written level but cannot dismiss from service.

(Full details of the procedure are contained within the Disciplinary Policy for Council Employees).

Grievance Matters

11. ~~Head of Paid Service~~ **(Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

Full details are contained within the Grievance procedure for ~~the Head of Paid Service~~ (Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

12. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

Full details are contained within the Grievance Procedure for Chief

Officers.

13. **Other Positions**

Power to determine upon grievances below chief officer level is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

Management & Control of Sickness Absence

14. **Head of Paid Service (Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures. In the case of permanent ill-health an independent person need not be appointed.

15. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures.

16. **Other Positions**

Power to determine upon sickness absence matters below chief officer level is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

In addition, officers at Grade 15 are authorised to give warnings up to a final written level but cannot dismiss from service.

N.B. Any request received in relation to extending an employees sickness pay entitlement will be determined upon by the Chief Executive/Group Director, in conjunction with the Director of Human Resources.

Managing Change

17. Senior managers who are employed on chief officer terms and conditions of employment are authorised to consult with trade unions on managing change issues e.g. restructures, regradings, employee transfers, in conjunction with the Director of Human Resources.