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# **Prosiect Gwyrdd**

**A residual waste treatment contract**

**Joint Committee Procedure Rules \***

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*\*See Footnote overleaf*

*\*Footnote to Joint Committee Procedure Rules*

- 1. The Joint Committee has previously determined that the Committee Meeting Procedure Rules of Cardiff Council (as of 2009) be adopted by the Joint Committee to the extent that they are applicable to meetings of the Joint Committee, for the purpose of facilitating the efficient conduct of the same. The attached rules have been updated and are based on Committee Meeting Procedure rules of Cardiff Council as at 5<sup>th</sup> May 2022.*
- 2. To the extent that the Joint Working Agreement of December 2013 (JWA2) specifically addresses any matter relating to the procedure of the Joint Committee, or the provisions of the JWA2 are inconsistent with the Committee Meeting Procedure Rules of Cardiff Council, then the JWA2 shall prevail.*
- 3. All references to 'Committee' or 'Committees' in the Committee Meeting Procedure Rules of Cardiff Council shall be read as referring to the Project Gwrydd Joint Committee, and all references to Cardiff shall be read as referring to the Councils (or as the context permits any one or more of the Councils) forming the Project Gwrydd Partnership. Any reference to the Senior Responsible Officer or SRO shall be read as referring to those that are carrying out activities on the SRO's behalf.*

# **COMMITTEE MEETING PROCEDURE RULES**

## **ESTABLISHMENT OF COMMITTEES & ALLOCATION OF SEATS**

### **1.1 Establishment**

1.1.1. Prosiect Gwyrdd is a partnership of five local authorities in South East Wales comprising Caerphilly County Borough Council ("Caerphilly CBC"), the County Council of the City and County of Cardiff ("Cardiff Council"), Monmouthshire County Council ("Monmouthshire CC"), Newport City Council ("Newport CC") and the Vale of Glamorgan Council (the "Vale of Glamorgan") (together the "Partnership").

1.1.2. The Partnership is working collaboratively at both Elected Member and Officer Levels, in respect of a residual waste treatment contract ('the Project')

1.1.3 The Partnership has entered into a Joint Working Agreement ("JWA2") to formalise their respective roles and responsibilities in relation to the joint working arrangements for the Project, which make provision, inter alia, for a Joint Committee

1.1.4 The Joint Committee's terms of reference and provisions governing the committee are set out in the JWA2, (relevant extracts of the JWA1 are annexed to these rules. In particular, see Clause 7 and schedule 2 of the JWA2) .In the event of any conflict between the provisions of these rules and the JWA2 then the JWA2 shall prevail. To the extent applicable the definitions set out in the JWA2 shall apply to these rules

### **Allocation of seats**

1.1.5 Each Council shall appoint two elected members representatives to the Joint Committee.

1.1.6 Each Council shall be entitled from time to time to appoint a deputy for each of its representatives but such deputy (in each case) shall only be entitled to attend meetings of the Joint Committee in the absence of his or her corresponding principal.

1.1.7 Each Council may, at their discretion, replace their representatives (and their respective deputies) appointed to the Joint Committee, provided that:-

- at all times, they have representatives appointed to the Joint Committee in accordance with the roles identified in clause 7.

## **1.2 Chair and Deputy Chair**

The Chairperson of the Joint Committee shall be an elected member of the Lead Council (Cardiff Council) appointed by the Joint Committee from time to time.

## **1.3 Period of office**

The period of office for members of the committee will be a matter for each appointing Council and will be subject to the provisions of the JWA2. Should one or more Councils withdraw from the Project or if the JWA2 is terminated in respect of one or more Councils then the provisions of the JWA2 shall apply in respect of the period of office and or election of the Chair and Deputy chair.

## **2. ORDINARY MEETINGS**

2.1 Ordinary meetings of the Joint Committee will take place as and when required in accordance with the timetable for the Project and, in any event, at appropriate times and on reasonable notice (to be issued through the Senior Responsible Officer (SRO) or on the SRO's behalf) to carry out the Joint Committee Matters referred to in Clause 7 and Schedule 2 of the JWA 2.

2.2 Ordinary meetings of the Committee will (as may be appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) receive advice reports from officers of the Project Board.
- (g) to put questions to the chair or relevant officers of the Project Board where appropriate on items of business before the committee and to receive responses;
- (h) consider requests from members of the committee for items of business to be considered;
- (i) consider any other business specified in the agenda of the meeting;
- (j) Consider any representations which a section 151 Officer or Monitoring Officer (or his or her nominated deputy) from any of the Councils forming Project Gwyrdd wish to make to the Committee, and
- (k) such other matter or matters which the chair has certified as being urgent.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 CALLING EXTRAORDINARY MEETINGS**

(a) Those listed below may request the SRO to call a meeting of the committee in addition to ordinary meetings:-

- (i) any one of Councils forming part of the Partnership.
- (ii) the chair of the committee;
- (iii) the Head of Paid Service of any Council forming part of the Partnership;

- (iv) the Monitoring Officer or S151 Officer of any Council forming part of the Partnership; and
- (v) one half of the membership of the committee if they have signed a requisition and presented it to the SRO.

(b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report for the meeting.

### **3.2 BUSINESS**

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the Chairman has certified as being urgent.

## **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the SRO and notified in the agenda.

## **5. NOTICE OF AND AGENDA TO MEETINGS**

The SRO will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the SRO will send a summons (notice of meeting) signed by him or her by post to every member of the committee or leave it at their usual place of residence or at a place nominated by the member. The agenda will give the date, time and place of each meeting, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIR OF MEETING**

### **6.1 CHAIR OF THE MEETING**

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if

any). In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

## **6.2 CONDUCT OF THE MEETING BY THE CHAIR**

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required. The steps the chair may take include:-

- (a) allowing more time for the speaker to properly explain the matter;
- (b) permitting a member to speak more than once;
- (c) allowing employees of the Council to advise the meeting as appropriate;
- (d) allowing a full discussion of reports and matters for decision.

## **7. QUORUM**

7.1 The quorum necessary for a Joint Committee meeting shall be an elected member or appropriate deputy appointed pursuant to Clause 7 of the JWA2 or appropriate proxy from all 5 of the Councils forming the Partnership.

7.2 If fewer than the quorum attend the meeting or if during any meeting the chair counts the number of members present and declares there is not a quorum present, then the meeting will be reconvened and the required quorum shall be at least 1 representative from at least 3 of the Councils forming the Partnership.

## **8. MOTIONS WHICH MAY BE CONSIDERED**

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Council, Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to the constraints of the JWA2 and statutory constraints;
- (f) to receive reports and/or to adopt recommendations of committees or officers,;
- (g) to delegate powers to an officer of the Project Board or an officer of any of the Councils forming the Partnership or a sub-committee subject to the constraints of the JWA2 and statutory constraints;
- (h) not used
- (i) to propose a resolution which differs from that recommended in a report;

- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.4.

## **9 RULES OF DEBATE**

### **9.1 Content of speeches/debate**

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 9.2.

### **9.2 Point of order**

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules 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 chair on the matter will be final.

### **9.3 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 or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

### **9.4 Declarations of interest**

A member may at any time declare a personal interest under the Code of Conduct and when a member stands to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

## **10. PREVIOUS DECISIONS AND MOTIONS**

### **10.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council of each Council forming the Partnership.

## **10.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council of each Council forming the Partnership.

## **11. VOTING**

### **11.1 Majority**

At meetings of the Joint Committee each elected member or appropriate deputy appointed pursuant to Clause 7 of the JWA2 or appropriate proxy from each Council shall have one vote. Decisions at meetings of the Joint Committee will be taken by a majority vote. The SRO shall not have a vote.

### **11.2 Chair's casting vote**

If, at a meeting of the Joint Committee, a matter is not determined by a majority vote that matter ("**JC Unresolved Matter**") shall be deferred for consideration at the next Joint Committee meeting which shall be convened within 10 (ten) Business Days of that meeting. If at the reconvened Joint Committee meeting the JC Unresolved Matter is not determined by a majority vote, the Chairperson shall have a casting vote in respect of that JC Unresolved Matter. There will be no restriction on how the chair chooses to exercise a casting vote.

### **11.3 Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

### **11.4 Voting on employee appointments**

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

(b) The chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.



## **11.5 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **12. MINUTES**

### **12.1 Signing the minutes**

The chair will sign the minutes of the proceedings of the committee at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **12.2 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

## **13. ATTENDANCE**

(a) Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to and be heard by each other.

(b) All Councillors present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.

(c) Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

## **14. MEMBERS OF THE PUBLIC**

### **14.1 Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by Public).

### **14.2 Right of Petitioners to address committee**

(a) When a petition contains signatures of not less than fifty electors from any one or more of the Councils forming the Partnership, with their addresses, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the petition relates, one person from amongst those signing the petition may address a committee to which the petition has been referred on

the subject matter of the petition for up to three minutes.

(b) In any case where the petitioners object to an application which is to be considered by the Planning Committee or the Licensing Committee the applicant will also be given an opportunity to be heard.

(c) Any petition presented direct to a committee shall be delivered to the SRO at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.

(d) when a petitioner has been heard by a committee under this Committee Meeting Procedure Rule no further petition on the same item shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the petition was first considered or the petitioner heard.

## **15. MEMBERS' CONDUCT**

### **15.1 Members wishing to speak**

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

### **15.2 Chair seeking order**

When the chair asks for order the meeting must be silent.

### **15.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

### **15.4 Member to leave the meeting**

If the member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.

### **15.5 General disturbance\_**

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

## **16. DISTURBANCE BY PUBLIC**

## **16.1 Removal of member of the public**

If a member of the public interrupts or disrupts proceedings of a committee, the chair will warn the person concerned. If they continue to interrupt or cause disruption, the chair will order their removal from the meeting room.

## **16.2 Clearance of part of meeting room**

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

## **17. COUNCILLORS ATTENDING COMMITTEES OF WHICH THEY ARE NOT MEMBERS**

A Councillor from any of the Councils forming the Partnership may attend the committee even though they are not a member and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
- (b) where the Licensing Committee, the Disciplinary Appeals Committee or any other committee or sub-committee exercising similar jurisdiction have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- (c) where the Lead Lawyer to the Committee and Project or his/her representative advises that as a matter of law non-members of a committee should withdraw.

## **18. ELECTRONIC BORADCAST AND RECORDING OF PROCEEDINGS OF COMMITTEES**

- (a) Committee meetings may be webcast by the Council, in accordance with Cardiff Council's webcasting protocol;
- (b) Other filming, recording and use of social media is permitted during Committee meetings, provided that:
  - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

(c) Use of social media by members of planning, licensing or other regulatory committees is not permitted during the meeting.

#### **19. SUSPENSION OF COMMITTEE PROCEDURE RULES**

All or any of these are Committee Rules of Procedure except Rule 11.5 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.

#### **20. APPLICATION OF COMMITTEE PROCEDURE RULES**

To the extent that these rules do not conflict with the JWA2 or any provision of law the Joint Committee has determined that the same shall apply to the Joint Committee proceedings.

