

CONSTITUTION COMMITTEE:

10 JULY 2013

COUNCIL PROCEDURE RULES – MEMBER FEEDBACK AND NEXT STEPS

REPORT OF THE CHIEF OFFICER, LEGAL & DEMOCRATIC SERVICES AND MONITORING OFFICER

AGENDA ITEM: 6

Reason for the Report

1. To introduce feedback received from Members during the trial period of the revised Council Procedure Rules to enable the Committee to:
 - a. consider amendments to the rules in response to that feedback; and
 - b. agree how to best proceed with the review of the Council Procedure Rules.

Background

2. Over recent months Constitution Committee has undertaken a full review of the Council Procedure Rules.
3. The aim of the Committee has been to produce a set of Rules that:
 - encourages free and constructive debate;
 - enables Members to hold the Cabinet to account;
 - enables meetings to concentrate on issues that are within the power of the Council to influence; and
 - concentrates debate on real issues that concern citizens, rather than political point scoring or personal differences.
4. A revised set of Council Procedure Rules was agreed upon for trial at the April and June meetings of Council.

Feedback Provided to Date

5. As part of the process the Committee has engaged with all political groups and encouraged all Members to provide their feedback as the revised Rules have developed. Members were also encouraged to give their feedback during the trial period.
6. A summary of the feedback that has been received from Members to date is at Appendix A. Those comments that are in italics have already been provided to the Committee at its meeting in May.

Main Themes Raised by the Feedback Received to Date

7. The main issues arising from the feedback provided to date are as set out below:
 - a. Members Questions:
 - Should Oral Questions be limited by number/time in the way that they have been?
 - Should the answer to the initial Oral Question be circulated in advance in writing and not read out?
 - Has the splitting of questions into Oral and Written Questions effectively balanced the need for a system that enables Cabinet Members to be held to account against the resources and time available to do so?
 - During the trial period Oral Questions were moved to an earlier position on the agenda. Should this change be maintained?
 - Should the ability for a second supplementary question to be asked by a Member from another political group be re-instated?
 - Who should submit Oral Questions on behalf of each Political Group?
 - b. Member Debates
 - Should the criteria for the topic that can be the subject of a Member Debate be further restricted?
 - Should more Members be allowed to speak during the debate? If so, how would speakers be decided upon and what time limits should apply?
 - c. Petitions
 - Are the current thresholds that determine the response that a petition receives appropriate? If not, should they be raised or lowered?

d. Green Papers

- Is the Green Paper procedure achieving its aim of providing an open forum for the debate and shaping of future policy? If not, what amendments should be made? Alternatively, have too few Green Papers been brought to enable the Committee to assess this aspect of the rules?

e. Cabinet Member Statements

- Should Cabinet Member Statements be circulated in advance to enable Members to have time to review the statements and consider questions they may wish to ask in response? If Statements are to be circulated in writing, should they also be read out?

8. Please note that the list of issues set out above is not intended to be exhaustive, it is only intended to draw to the attention of the committee the main concerns raised by the feedback provided by Members to date. Appendix A contains full details of the feedback that has been received to date.
9. A more detailed draft feedback form has been developed (Appendix B) and Committee are asked to consider whether this should be circulated to all Members before the new Rules are formally adopted at Council.

Amendments

10. Minor amendments have been made to the draft new Rules as a result of the feedback received prior to the June meeting of Council.
11. A “marked” draft of the revised Council Procedure Rules is included at Appendix C.

Next Steps

12. This report contains reference to the feedback that has been received from Members to date and highlights the main questions raised. The Committee is asked to consider next steps in relation to the finalising of the revised procedure rules. Options open to the Committee include:

- a. agreeing on responses to the issues raised in the feedback provided to date and delegating authority to the Monitoring Officer in consultation with the Chair of the Committee to finalise the draft rules and to propose them to the July meeting of Council for adoption; or
- b. agreeing on responses to the issues raised in the feedback provided to date and amending the rules accordingly for use at the July meeting of Council, but also extending the trial period to enable further feedback on both these additional amendments and the rules generally to be obtained from Members and officers (using Appendix B to obtain that feedback); or
- c. reverting back to the existing Council Procedure Rules for the July meeting of Council to enable more detailed feedback from Members and officers (using Appendix B to obtain that feedback) to be obtained and a detailed assessment of that feedback to be carried out.

Legal Implications

13. There are no legal implications arising directly from the content of this Report.

Financial Implications

14. There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

1. note the feedback provided and contribute to discussions on further amendments that should be made to the Council Procedure Rules in response to that feedback; and
2. consider the options open to the Committee and resolve how the revision of the Council Procedure Rules should be progressed.

MELANIE CLAY

Chief Officer, Legal & Democratic Services and Monitoring Officer

4 July 2013

Appendix A – Feedback Provided by Members

Appendix B – Draft Feedback Form

Appendix C – Marked Amended Council Procedure Rules

Clr	Oral Questions	Member Debates	General	Cabinet Statements
1	Can we have our questions typed and given to us.			
1	Can we simply call out question number rather than read response.	This is good initiative, but needs to be more flexible to allow more members to speak.		
1		A limitation to 6 members speaking for 30 minutes excludes vast majority from engaging. Subject should be Council activity.		
2			Cabinet member should not be able to move or second a motion to curtail debate.	
2	The lack of supplementary question effectively rules out engagement from a large numbers of Councillors during the q & a.			
3		Not sure of value of format. If there is no vote at the end does the debate produce anything worthwhile?		
4		Should be issue that more Councillors are familiar with. Introductory speech should be shorter (3 min). More people should have chance to speak. In theory a good idea.	Full Council meetings too long.	No need to read out.
4	Worked quite well.			
5	Should be given before Council - we do not know what questions have been asked by members not in the chamber.	Very little business on the agenda, new rules elongated the meeting.		No need to read out.
5	1 minute response not long enough - not probing enough.			
6		Disappointing that [name removed] not in chamber for most of it, [name removed] missed all. Labour Cabinet member offered labour back bencher chance to speak after everyone else - not fair.	No real business conducted, but Council not shorter - disappointing.	
6	Cabinet members responses out of time - is this deliberate?		Sound system should be working in advance - Councillors want answers.	
6			Not impressed with new procedures - overall not good and very disappointing.	
7	Need to make clear what happens when questioner not present - question falls.			
7	Need to encourage cabinet members to be more natural and not read answers verbatim.			
8	1 minute response is unrealistic - especially in the case of questions requiring complex/compound answers.	Item would be best if within Council remit to effect or feed into, as it is this is a wish list sadly.		
9				
10		This is not a debate - rename "Members Highlight Issues".	Motions: Only agree ones that are a new area - this one [item 8 -] had the same debate a year ago- [name removed] set it and was about "protecting smaller shopping areas".	
10	Just call this Member Questions" - more fitting.			

Cllr	Oral Questions	Member Debates	General	Cabinet Statements
10	Some questions not relevant to Council - better to just email via members enquiries.			
10	I enjoyed the challenge of 1 minute responses - I think this is an improvement and makes Council more lively.			
11		A serious subject, excellent contributions, but not a debate. Either the subject or format needs to change to ensure is an exchange of views - the risk with this is that you simply get a motion. Therefore I question whether member debates have a role at Council meetings.		
11	[Name removed]'s question revealed how this format is open to abuse: party managed, set-up question with no chance of opposition challenging. I thought tonight's session was flat with many members leaving early.			
12	Questions still irrelevant.			
12	Too short time.			
12	Should still have supplementaries.			
12		Very good.		
12				Too central and dictatorial.
13			It was great full Council meeting since been elected as a new member. Also looking forward to more short debate like this in future.	
14		I think this is a very good idea to have a good cross- party discussion on serious issues.		
14	I think this worked very well. Good use of time.			
15		Excellent and is a fantastic new addition to Full Council		
15		I do have a criticism of the lack of flexibility with the Members' debate. I think the rules governing that a member should nominate speakers – rather than allowing a free debate and Members putting their names on the board to be called – makes participation very difficult for some Members. For instance, I would have liked to have taken part in the human-trafficking debate but couldn't as [the proposer of the debate] had nominated another speaker (as was her right) before I could speak to her. It would have been nice to have had the opportunity to try to get called. However, that is a minor criticism of what is a very positive innovation to make our Council meetings more relevant.		
15	I feel that making the groups decide who tables which questions caused problems as members were generally limited to one question each and were leaving the chamber as soon as they had asked the question. I happened to be the last questioner on Thursday night, and by the time I was called, every Liberal Democrat had left bar Cllr [name removed]. This wasn't a phenomenon exclusive to the Liberal Democrats – there were very few Labour members left in the chamber, either. We need to think of a way to make this more flexible.			
15	I would prefer the old style of submitting a written question and asking a supplementary afterwards. I don't understand what was wrong with the previous questioning process, and I would like to see it reinstated. I can understand that the Cabinet and Officers have a problem answering lots of questions, but the new process is nowhere near perfect. I would suggest, to help quicken the process, we call out the number of the question and then ask the supplementary, rather than read the question aloud and have the Cabinet Member read the answer.		I think some of the changes are very positive for the Council.	

Clir	Oral Questions	Member Debates	General	Cabinet Statements
15				
16				
16				
16				
16	<i>Do independent Councillors outside independent group get question allowance?</i>	<i>Good idea, but way too short.</i>	<i>Motion on smacking cut short - very bad for democracy. Concerned that any changes would be implemented in July not September. Written questions - no reminder email. Lots of empty seats - questions mean members have to be in chamber.</i>	
16	<i>Ordering means only a handful of Councillors may ever ask questions.</i>			
16	<i>Means you have to compete with other Clirs in your group if more than group allocation.</i>		<i>Is this change about cost cutting/staff reductions? Don't feel it has been driven by whole Council.</i>	
16				
17			<i>Point of order - inappropriate advantage of this rule is still being taken by Members not raising a point of order.</i>	
17		<i>Not sure I would flatter this approach with the description "Member Debate".</i>		
17	<i>I don't like this approach of going from one Cabinet Member to another.</i>			
17	<i>I reckon the means of selecting the questions is OK and the number of questions is fine.</i>			
17	<i>Questions should be dealt with by Cabinet Members in turn, one minute is insufficient, the whole thing looked messy and disorganised.</i>			
18				
18	<i>Disappointing with the strict restriction on the number of questions each group can ask orally at each meeting. Really a nail in the coffin for openness, transparency and democracy.</i>			
18	<i>Members appeared generally disengaged with the whole process as no one knew which questions were going to be asked, and therefore had no ownership of questions. This needs to be rectified before the next trial meeting in my opinion.</i>			
18	<i>The option for asking a supplementary question needs to be re-introduced – this will help with re-engaging members to stay and participate.</i>			
18	<i>One minute allocation is not long enough – even the Cabinet Members appeared frustrated and one read his substantive answer for both the main question and the supplementary question to try and share the information.</i>			
18	<i>We need to revert back to the previous system which worked well.</i>			
18			<i>These are not debates. These are speeches about a specific topic, with no vote. I would prefer to see the smaller groups and opposition groups having a greater proportion of the Notice of Motion allocation.</i>	
18			<i>The allocation of speakers on Member Debates could become a political issue. Notices of Motion open up the debate to all Members, irrespective of political affiliation.</i>	

Clr	Oral Questions	Member Debates	General	Cabinet Statements
18			<i>Disappointed that a Cabinet Member closed the debate on such an important topic area – smacking Notice of Motion. This was the cause of frustration for many members.</i>	
18			<i>More green papers should be brought forward for debate on issues relating to policy – distinct lack of business currently. If it wasn't for Notices of Motion, some meetings would have virtually no real business to discuss.</i>	
18			<i>Uncontested business should be at the start of the agenda.</i>	
18				<i>Could they be circulated with council papers and contained as part of the paperwork on the web for the public to access? Then Members could ask informed questions and the public would feel ownership also.</i>
19			<i>Need to restructure the order of items with debates and motions coming after questions.</i>	
19	<i>No Supplementary question by other party members allows potential abuse - members could ask a question about another member's ward with no opportunity for the ward councillor to come in.</i>			
19		<i>Debates should focus on issues with the council's remit. Debates need to be open to all who wish to contribute - not left to proposer of debate to decide who speaks - open to abuse.</i>		
19			<i>Only backbench councillors/whips should be able to move motions are put without further debate.</i>	
19			<i>Still need to consider length of council meetings - how to make these more timely whilst still interesting and holding cabinet to account properly.</i>	
20				<i>It would be much more useful to have statements electronically prior to the meeting, ideally one day before.</i>
20	<i>This section is too long and I find it takes a lot of Council time. I think it should be reduced to less than 60 minutes. Ideally half an hour.</i>			
20		<i>Not long enough. Should be earlier in the meeting to prevent people from leaving before it. It would be welcome if these debates had more provision for members to speak. Instead of a few selected members. There is no clear transparent process by which those selected are chosen. If the purpose is to encourage debate why stifle this by allowing a few members to talk?</i>		
20			<i>Can we change the rules to prevent Members from leaving before the end of meeting? Unless obviously for emergency reasons.</i>	
21	<i>Opposition members should be allowed ask supplementaries to opposition questions.</i>			
22	<i>Not happy with the new format, would be better to go back to old rules. There should be more opportunity for supplementary questions.</i>	<i>Makes the Council meeting very long - it is much better to use this time to debate motions.</i>		
23		<i>I think we should choose by topic rather than by ballot of members names.</i>		
23		<i>Should be renamed. This is not a "debate". A debate has two sides. I would suggest you call this Member Focus.</i>		

Clr	Oral Questions	Member Debates	General	Cabinet Statements
24		The Member Debate in this Council [June] is very useful and well informed. It will be more member debate to put on agenda and extend time limit to hour. This will give all members the chance to take part in those member debates.		
24		Need more time, thanks members services; Cabinet member, all Councillors their contribution and listening to this debate.		
25	Not good not being allowed to ask a supplementary question after the original questioner.			
25		Council [June] was too long, boring and this did not give back benchers a true change. Please go back to the old system, which actually stimulated discussion and made Council more interesting and productive.		
26		I thought that the procedural rules generally worked well.		
26	I think it is unfair to not allow supplementary questions from members from other parties. I agree that the previous question system had got too big and that the slimmed down cap on 25 questions made sense, but it is unfair to not allow supplementary questions and means that this section of the meeting only involves the 25 councillors asking the questions and excludes the rest.			
27		Could we receive advance copies of the Cabinet Member Statements. When we enter the chamber there is little time to read them and some are substantial and contain important information. There are few questions from members because there is too little time to study them.		

Cardiff Council Procedure Rules

Feedback Form

Dear Councillor,

Please provide your comments below in relation to the operation of the revised Council Procedure Rules following the trialling of the revised rules at the April and June Council Meetings.

In relation to the specific topics mentioned below we have included reference to considerations that have been highlighted in the feedback given to date. You may wish to comment on these aspects specifically, but do not need to limit your comments to these areas.

If you feel it necessary to give negative feedback in relation to any particular area of the rules, the Committee welcomes suggestions as to how that aspect of the rules may be improved.

Comments given will be reported to the Constitution Committee prior to their deliberations relating to finalising the revised rules.

Member Questions	
<p>Please provide any comments you have in relation to the revised procedures for Member Questions.</p> <p>You may wish to consider:</p> <ul style="list-style-type: none">- the limit on the number of questions, time limits on speaking and how questions have been allocated;- whether a further supplementary question from another political group should be allowed;- whether the principle of splitting questions into Oral and Written has achieved an appropriate balance between allowing Cabinet Members to be held to account and the time available to deal with questions at meetings.	

<p>Member Debates</p> <p>You may wish to consider:</p> <ul style="list-style-type: none"> - whether topics should be more tightly constrained; - whether more people should be entitled to speak; and - whether the debate should be opened to the floor (and if so, for how long?). 	
<p>Responses to petitions</p> <p>You may wish to consider:</p> <ul style="list-style-type: none"> - whether it is appropriate that response a petition receives varies by reference to the size of the petition is appropriate? - if so, the threshold that would be appropriate to trigger a debate at Council. 	
<p>Green Papers</p> <p>You may wish to comment on whether the Green Paper procedure is proving sufficient opportunity to debate future policy.</p>	
<p>Cabinet Statements</p> <p>You may wish to comment on whether these should be circulated in writing, rather than being read out.</p>	

General Comments

Part 1 – Format and Content of Meetings

1 BUSINESS OF COUNCIL MEETINGS

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) The Chair may make any amendments to the draft agenda as they see fit.

Deleted: considered at a meeting of the Leader of the Council and the whips of each political group to be convened

Deleted: Following that meeting the draft agenda shall be submitted to the Chair for approval.

2 ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- (a) The Annual Meeting will take place within the following periods:

- (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
- (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

Business to be transacted at the Annual Meeting

- (b) The Annual Meeting will:

- (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
- (ii) elect the new Chair;
- (iii) appoint the new Deputy Chair;
- (iv) approve the minutes of the last meeting;
- (v) receive declarations of interests from Members;
- (vi) receive from Members the Cardiff Undertaking in years where an ordinary election has taken place;
- (vii) receive any announcements from the Chair (if any);
- (viii) elect the Leader (where such election falls due);
- (ix) appoint members of the Cabinet (where such election falls due);
- (x) receive announcements from the Leader (if any) relating to the coming municipal year;
- (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;
- (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;

- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

3 ORDINARY MEETINGS

- (a) 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 Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
 - (ii) approve the minutes of the last meeting;
 - (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
 - (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
 - (v) receive any petitions;
 - (vi) receive questions from the public and answers in accordance with Rule 18;
 - (vii) receive any announcements from the Chair or Leader;
 - (viii) receive any statements or reports from the Leader and/or Cabinet Members and any observations, questions and answers on them;
 - (ix) receive Member questions and answers raised in accordance with Rules 16 and 17;
 - (x) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions, answers and observations on any of those reports;
 - (xi) receive reports from any of the Council's statutory officers;
 - (xii) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;

- (xiii) consider Ordinary Motions and Member Debates;
- (xiv) consider any other business in the summons to the meeting; and
- (xv) consider such other matters as the Chair certifies as urgent or appropriate.

4 EXTRAORDINARY MEETINGS

(a) An Extraordinary Meeting of the Council may be called by:

- (i) the Council by resolution; or
- (ii) the Chair.

(b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:

- (i) the Leader;
- (ii) the Head of Paid Service;
- (iii) the Monitoring Officer or section 151 officer; or
- (iv) any five Members of the Council.

(c) Any request presented in accordance with this Rule must:

- (i) specify the business to be transacted at the meeting; and
- (ii) be accompanied by a copy of any report for the meeting.

(d) Any Extraordinary Meeting will:

- (i) elect a person to preside if the Chair and Deputy Chair are not present;
- (ii) receive any declarations of interest from Members;
- (iii) consider the business specified in the request; and
- (iv) consider such other matters as the Chair considers to be urgent or appropriate.

5 TIME AND PLACE OF MEETINGS

(a) The time and place of meetings will normally be determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.

(b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

6 NOTICE OF AND SUMMONS TO MEETINGS

PART 4 – RULES OF PROCEDURE
DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

APPENDIX C

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- (b) At least 4 Working Days before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. 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.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by such reports as are available.

Part 2 – Conduct of Meetings

7 CHAIR OF MEETING

Power of person presiding at meeting

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of meeting by Chair

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:

- (i) allowing more time to any speaker or item of business;
- (ii) permitting a Member to speak more than once;
- (iii) allowing officers of the Council to advise the meeting as appropriate; and
- (iv) refusing any Member the opportunity to speak or restricting their rights to speak.

- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

8 QUORUM

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).
- (b) 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 adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

9 UNOPPOSED BUSINESS

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.

- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

10 POINT OF ORDER

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

11 PERSONAL EXPLANATION

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
- (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
 - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

12 DECLARATIONS OF INTEREST

- (a) A Member may at any time declare a personal interest under the Members' 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.

13 MEMBERS' CONDUCT

Members Speaking at Council

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

Chair calling the meeting to order

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

Member's to maintain order

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
 - (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
 - (ii) is obstructing the business of the meeting;
 - (iii) seeks to raise a matter outside the scope of the matter at hand;
 - (iv) acts in a discourteous way;
 - (v) is using disorderly, discriminatory or offensive language;
 - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
 - (vii) disregards the authority of the Chair.

Member not to be heard further or to leave the meeting

- (e) If a Member 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.
- (f) 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.

14 GENERAL DISTURBANCE

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

15 DISTURBANCE BY PUBLIC

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

Part 3 – Procedures and Rules of Debate

16 QUESTIONS BY MEMBERS ON REPORTS

(a) On Reports presented to the Council:

- (i) A Member may ask the person presenting the report any question or otherwise comment on the subject matter of the report without notice.
- (ii) The person presenting the report shall have 5 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

17 ORAL AND WRITTEN QUESTIONS BY MEMBERS

General

(a) In accordance with this Rule 17, a Member may ask questions of:

- (i) the Leader or any Cabinet Member;
- (ii) the chair of any committee or sub-committee; or
- (iii) nominated members of the Fire Authority.

Submission of Questions

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions shall be submitted by (or on behalf of):

- (i) each opposition political group recognised by the Council; and
- (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose.

by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions.

Each such person shall be entitled to submit a maximum of the number of questions that are allocated to their political group calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions; and
- (ii) In addition, a further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council.

In addition any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question between them. Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.

- (d) Questions will be dealt with in accordance with the following procedures.

Oral Questions

Oral Questions will be dealt with in accordance with the following procedure:

Day	Action
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be asked orally to each of those persons mentioned in (a) above as set out opposite.	A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall. Each Oral Question will be asked orally by the Member named as submitting the question in the following order: - Oral Questions shall be asked in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions. - In each round the questions ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last.

	<p>- Any question from a Member who is not a member of a political group recognised by the council shall be asked at the start of the fourth round.</p> <p>A maximum of one minute shall be allowed for the asking of the question.</p> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p>
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Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
 - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

Written Questions

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

Day	Action/Comment
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions to ensure an answer is received at the next Council Meeting. If a question is submitted after this deadline it will be answered at the next Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for all answers to Written Questions asked before the deadline referred to above to be circulated by email to all Members.

A full copy of each Written Question (together with the answers to them) submitted prior to the deadline referred to above will be attached to the minutes of the meeting.

Rejection of Questions

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-

- (ii) is not in relation to Relevant Business (as defined in Rule 36);
- (iii) is in relation to Inappropriate Business (as defined in Rule 36);
- (iv) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
- (v) is a statement or otherwise is not a genuine enquiry.

Withdrawal of questions

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.

- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member concerned to ascertain whether the Member agrees that the question could be withdrawn.

Written record of Oral Questions and Responses

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

18 PUBLIC QUESTIONS

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.
- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.
- (f) The Chair may reject a question if it:
 - (i) is not related to Relevant Business (as defined in Rule 36);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 36);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;

- (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
- (v) relates to the activities and aims of a political party or organisation;
- (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
- (vii) is a statement or otherwise is not a genuine enquiry; or
- (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

Answers

- (k) No more than five minutes will be allowed for a response to any one question.
- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS

(a) An answer may take the form of:

- (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.

(b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

20 PETITIONS

(a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.

(b) Petitions shall be divided into four classes and shall be addressed as follows:

- (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
- (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
- (iii) A petition bearing 51-500 signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.
- (iv) A petition bearing more than 500 signatures shall (subject to the Chair agreeing it appropriate having regard to the subject matter of the petition) be debated at the next Ordinary Meeting of Council following such format as the Chair deems appropriate.

21 MEMBER DEBATES

General

(a) An opportunity for Member Debates will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

Selection of Member Debates

- (b) Each Ordinary Meeting of the Council shall provide the opportunity for one Member Debate. Selection of the Members entitled to introduce Member Debates shall be carried out quarterly by ballot.
- (c) Every quarter the Democratic Services Manager will offer each Member who is not a Cabinet Member (by giving at least 10 Working Day's notice by email) the opportunity to be entered into a ballot to propose Member Debates. The Democratic Services Manager will enter the names of all Members who indicate the desire to be entered into the ballot. Those names drawn first from the ballot shall be allocated the opportunity to introduce Member Debates at the Ordinary Meetings of the Council in each quarter in the order they are drawn.

Procedure for Member Debates

- (d) Any Member selected to introduce a Member Debate must provide the Chair and the Democratic Services Manager with a brief summary of the topic they wish to debate and the name of the Cabinet Member whom they would like to respond to the debate at least 10 Working Days prior to the Ordinary Meeting. A copy of the summary shall be attached to the Agenda for the meeting.
- (e) In the debate:
 - (i) The Member proposing the debate shall be given 15 minutes to speak on their chosen topic, but may choose to allocate a proportion of that time to other Members provided that they:
 - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
 - (b) in doing so a maximum of 5 Members may speak (including the Member proposing the debate).
 - (ii) The Cabinet Member identified in the notice of the debate shall be given 10 minutes to respond to the debate. In responding the Cabinet Member may also decide to allocate a proportion of their time to other Members (subject to the same restrictions as referred to in (i)(b) above).
 - (iii) The Chair may close the debate if, in their view, the speakers have significantly deviated from the summary of the topic of the debate given under Rule (d) above.

22 GREEN PAPERS

General

- (a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

Procedure for the Debate of Green Papers

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.
- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.
- (d) In the debate:
 - (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
 - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
 - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
 - (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

23 ORDINARY MOTIONS

General

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager by 5.00pm at least 7 Working Days before the date of the meeting.

- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the deadline for receipt.
- (d) Ordinary Motions will be listed on the agenda in the order in which the notices were received.

Number and Allocation of Ordinary Motions

- (e) Subject to Rule (f) below, the number of Ordinary Motions shall be limited to a maximum of 20 motions in each municipal year.
- (f) The allocation of Ordinary Motions will be agreed between the political groups. The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair. No political group recognised by the Council shall be allocated less than two Ordinary Motions in a municipal year. If necessary, the maximum number of Ordinary Motions in a year may be increased to accommodate this.

Scope of Ordinary Motions

- (g) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 36).
- (h) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (i) If any Ordinary Motion appears to the Chair to be unlawful and/or not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

Urgent Ordinary Motions

- (j) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (k) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:

- (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;
 - (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
 - (iii) the motion is seconded.
- (l) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

Withdrawal or alteration of Ordinary Motions

(m) No Ordinary 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 seconder has been delivered to the Democratic Services Manager; or
- (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.

(n) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

Amendments to Ordinary Motions by other Members

(o) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.

(p) An amendment to an Ordinary Motion must be relevant to the motion and will be:-

- (i) to leave out words;
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words.

(q) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.

- (r) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

Right of reply and Voting on the Ordinary Motion

- (s) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.
- (t) The rights of reply before the vote on an Ordinary Motion takes place are as follows:
 - (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.
 - (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
 - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
- (u) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

24 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

25 AMENDMENTS TO REGULATORY DECISION

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.

- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.

26 AMENDMENTS TO REPORTS BEFORE COUNCIL

- (a) An amendment to a report before Council may not be moved unless written notice of the amendment has been given to the Proper Officer, signed by the proposer and seconded, by 9.00am one Working Day before the meeting.

27 MOTIONS DURING MEETINGS

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-

- (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
- (ii) in relation to the accuracy of minutes of the Council;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (v) to appoint a Committee or Member arising from an item on the Agenda;
- (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule (e); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

28 GENERAL RULES OF DEBATE

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.

- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.
- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 36).
- (g) Proposers of motions or movers of reports may speak for up to six minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.

29 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

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

Motion similar to one previously rejected

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

Part 5 – General Provisions

30 VOTING

Majority

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

Chair's casting vote

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Method of Voting

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

Voting on appointments excluding employee appointments

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.
- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

Voting on employee appointments

- (g) 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.
- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

31 MINUTES

Signing the minutes

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary 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.

Form of minutes

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
 - (i) all motions and amendments in the exact form and order the Chair put them;
 - (ii) replies given to Oral Questions; and
 - (iii) written questions and answers (as referred to at Rule 0).

32 RECORD OF ATTENDANCE

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

33 RECORDINGS OF MEETINGS OF THE COUNCIL

- (a) Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.
- (b) If a person records the proceedings of any meeting (or causes such recording to be effected) without authorisation then the Chair will order

their removal from the meeting room and shall not permit them to be admitted to a further meeting except on a written undertaking to desist from such recording and on the destruction of such recordings as may have been made and anything derived from them.

34 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

- (a) All or any of these Council Rules of Procedure except Rule 30 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

Amendment

- (b) 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.

35 OFFICER ADVICE

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

36 INTERPRETATION

- (a) In these Rules the following words shall have the following meanings.

"Relevant Business" means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

"Inappropriate Business" means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information;

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PART 4 – RULES OF PROCEDURE
DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

APPENDIX C

- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
(v) relate to an individual, particular group or business or the questioner's own particular circumstances.

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(b) Any reference to “in writing” or “written” shall include email.

(c) The Chair’s ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

DRAFT