

## **PART 4 – RULES OF PROCEDURE**

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### **COUNCIL MEETING PROCEDURE RULES**

#### **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 in accordance with these Rules by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) Any time limits on agenda items may only be extended at the discretion of the Chair.
- (c) The Chair may make any amendments to the draft agenda as they see fit.

##### **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;
  - (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 Schedule of Members' Remuneration;
- (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 reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
- (ix) receive reports from any of the Council's statutory officers;
- (x) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
- (xi) consider Ordinary Motions;
- (xii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
- (xiii) receive Member questions and answers raised in accordance with Rules 16 and 17;
- (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 Chief Executive;
- (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.

(e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or two Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:

the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

## **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.

(aa) The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council’s Multi-Location Meetings Policy.

- (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**

- (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 3 clear days (as required and defined by the relevant legislation and case law) 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, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, will enclose the agenda and be accompanied by connected reports and Cabinet statements.

## **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 Committee and Member 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 Committee and Member 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 indicates to the Chair that he/she wishes 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 attending a physical meeting) when they are speaking. If more than one Member indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain silent 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 any Member speaking at the time must stop. The meeting must be silent.

### **Members 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.

## **Part 3 – Procedures and Rules of Debate**

### **16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS**

- (a) On Cabinet Member Statements presented to the Council:
  - (i) A Member may ask the person presenting the statement any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
  - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
  - (iii) A maximum of 45 minutes shall be allowed for questions and debate on Cabinet statements.
- (b) On Reports presented to the Council
  - (i) The person presenting the report shall have 6 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 Committee and Member 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 of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); and
- (ii) a backbench Member of the ruling group(s) nominated to the Committee and Member Services Manager for such purpose;

by email to the Council's mailbox for the submission of questions (as specified by the Committee and Member 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;
- (ii) A further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members and Assistants to Cabinet members shall be disregarded for the purposes of such calculation; and
- (iii) Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each.

The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.

(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:

<b>Day</b>	<b>Action</b>
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none"> <li>- Oral Questions will be dealt with 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.</li> <li>- In each round the 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.</li> <li>- Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round.</li> </ul> <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>

## 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:

<b>Day</b>	<b>Action/Comment</b>
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions for an answer to be received at the Council Meeting. If a question is submitted following this deadline it will be answered at the following Council Meeting.  If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

A full copy of each Written Question (together with the answers to them) 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:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);

- (iii) 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
- (iv) 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 Committee and Member 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 Committee and Member 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 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (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.
- (ga) The questioner shall be given the opportunity to read their question orally.
- (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.
- (c) The Monitoring Officer shall have discretion to instruct that a composite answer may be given to any questions which are closely related or on the same subject matter, wherever she considers this appropriate. This shall not prejudice any right to ask a supplementary question, which may be available under the Council Meeting Procedure Rules

## **20 PETITIONS**

- (a) A Petition may be presented to Council by either:
- (i) a Member, if the Petition is comprised of at least 20 signatories; or
  - (ii) a Lead Petitioner, if the Petition is comprised of at least 50 signatories, subject to compliance with the Council's Petition Scheme and this Rule 20
- (b) Petitions must be submitted to Democratic Services either by email, post or hand delivery, in accordance with the Petition Scheme, by 5pm, 7 working days before the date of the Council meeting; and must include:
- (i) The name and contact details for the Lead Petitioner;
  - (ii) The subject matter and specific request of the Petition;
  - (iii) The name and postal address (including postcode) of each Petition signatory; and
  - (iv) The total number of signatories to the Petition.
- (c) Each and every signatory to the Petition, including the Lead Petitioner, must be either:
- (i) An individual who lives, works or studies within the City and County of Cardiff;
  - (ii) A representative of an organisation which operates within the City and County of Cardiff; or

- (iii) An individual who lives in the administrative area of a neighbouring Council and who may reasonably be expected to be affected by the subject matter of the Petition.
- (d) The receipt of a Petition will be acknowledged by the Head of Democratic Services within 5 working days from its receipt. Subject to compliance with this Rule 20 and the Petition Scheme, the Lead Petitioner or the relevant ward Member will be invited to present the Petition to the next appropriate Council meeting.
- (e) If more than one Petition is received in relation to a similar subject matter and seeking a similar outcome, only one Lead Petitioner or Member will be permitted to present the Petition to Council. Democratic Services officers will notify each Lead Petitioner and Member and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner or Member will present the Petition to Council. In the absence of such agreement, the Lead Petitioner of the Petition with the highest number of signatories shall have the right to present the Petitions to Council.
- (f) When a Petition has been presented to Council under this Rule 20, no further Petition on a similar subject matter and seeking a similar outcome shall be considered within six months of that Council meeting.
- (g) Where a Member or Lead Petitioner presents a Petition to the Council, they may outline the request by the petitioners, the reason for the request and the number of the signatories, provided that in any event they may not speak under this rule for more than one minute.
- (h) Petitions shall be divided into three 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 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.
- (i) Written responses will be provided within 20 working days of the presentation of a valid petition to Council.
- (j) A summary of all valid Petitions received, in accordance with this Rule and the Council's Petition Scheme, and the Council's response, will be published on the Council's Petitions web page.

## **21 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 Committee and Member 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 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.

## **22 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 Committee and Member Services Manager, during the 'Submission Period'. For the purposes of this Rule, the Submission Period shall start at 9am on the third Monday before the Council meeting, and end at 5pm on the Friday of that week (the second Friday before the Council meeting).

- (c) Every Ordinary Motion properly delivered will be dated and registered by the Committee and Member Services Manager in the order in which they were received and open to Members' inspection after the end of the Submission Period.
- (d) Subject to the rules on the number and allocation of Ordinary Motions set out under paragraphs (f) to (i) below, Ordinary Motions will be listed on the agenda in the order in which the notices were received.
- (e) A maximum of 30 minutes shall be allowed for the debate on each Ordinary Motion, unless one or more amendments are moved, in which case the time allowed shall be extended to 45 minutes.

### **Number and Allocation of Ordinary Motions**

- (f) Subject to Rule (g) below, the number of Ordinary Motions shall be limited to a maximum of 2 motions at each Council Meeting where Ordinary Motions may be considered. Urgent Ordinary Motions (under this Rule 22, paragraph (m)) and Ordinary Motions at any Extraordinary Meeting held (under Rule 4) shall be disregarded in counting the maximum number of Motions set under this paragraph.
- (g) Ordinary Motions will be allocated amongst the political groups in proportion to their representation on the Council and as agreed between the political groups, subject to:
  - (i) No political group recognised by the Council shall be allocated less than one Ordinary Motion in a municipal year. If necessary, the maximum number of Ordinary Motions at a Council meeting (set under paragraph (f) above) may be increased to accommodate this.
  - (ii) Cabinet Green Papers (debated at full Council under Rule 21) shall be deducted from the number of Ordinary Motions allocated to the leading group.
  - (iii) Cabinet Members and Assistants to the Cabinet shall be disregarded in the calculation of political proportionality for the purposes of the allocation of Ordinary Motions under this Rule.
- (h) The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.
- (i) If more than the maximum number of Motions permitted under paragraph (f) above are submitted for a particular Council meeting, the Chair shall decide which Motions are to be taken, following consultation with the party groups. Factors to be considered in selecting Motions shall include the urgency of the Motion (whether it may reasonably be taken at a later meeting); the order in which Motions were lodged; whether a Motion has been put back from a previous Council meeting; any policy, budget or other significance to the Council; and the proportion of the allocated number of Motions from the relevant



group which have already been considered by full Council during that municipal year. The Chair has the discretion to increase the number of Motions permitted at a particular Council meeting if s/he is satisfied, having regard to all relevant factors, that it is appropriate to do so; and the Chair's decision shall be final.

### **Scope of Ordinary Motions**

- (j) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (k) 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.
- (l) If any Ordinary Motion appears to the Chair to be 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**

- (m) 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).
- (n) 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.
- (o) 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**

- (p) 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 Committee and Member 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.
- (q) 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**

- (r) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Committee and Member Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.
- (s) 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,
- as long as the effect of (i) – (iii) is not to negate the motion.
- (t) 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.
- (u) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair, unless paragraph (ua) applies.
- (ua) If the proposer of a Motion accepts a proposed amendment (of which notice has been duly given in accordance with Rule 22(r)), the amendment shall become part of the substantive motion without a vote, unless:
- (i) The Chair rules that the amendment is fundamentally inconsistent with the original Motion, in which case the amendment shall be put to the vote; or
  - (ii) Two or more amendments to the Motion are moved, in which case, either all amendments must be accepted, or all amendments must be put to the vote.

### **Right of reply and Voting on the Ordinary Motion**

- (v) 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.

(w) 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.
- (iv) Before the proposer of an Ordinary Motion or the proposer of an amendment exercises a right of reply given under sub-paragraph (ii) or (iii) above, a relevant Cabinet Member (or Assistant to Cabinet Member) shall have the opportunity to respond to the Motion on behalf of the Cabinet. If the proposer and seconder of the motion are in agreement, the Cabinet member (or Assistant to the Cabinet) may move that the vote on the Motion be adjourned until the next meeting of Council. If such an adjournment motion is passed, then at the next suitable full Council meeting:
  - (a) a vote on the adjourned Ordinary Motion will be taken without further discussion, unless prior to the commencement of the meeting, notice of withdrawal in writing signed by proposer and seconder has been delivered to the Committee and Member Services Manager. (For the avoidance of doubt, a vote on an adjourned Ordinary Motion under this rule shall not count for the purposes of the maximum number of Motions permitted at that Council meeting under Rule 22 (f)); or
  - (b) if the Motion has been withdrawn in accordance with sub-paragraph (a) above, the Cabinet Member shall report back to Council in his or her Cabinet Member Statement on the withdrawal and any action taken or agreed with the Motion Proposer and Secunder in this regard.

(x) 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.

## **23 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.

## **24 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.

## **24A AMENDMENTS TO REPORTS BEFORE COUNCIL**

An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Committee and Member Services Manager by 9:00am on the Working Day before the meeting.

## **25 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 22(f); 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.

## **26 CLOSURE MOTIONS**

- (a) Subject to rule (d) below, 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) 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 Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting any amendments which have been seconded and debated and then the substantive motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **26A TRIBUTES AND RECOGNITIONS**

Tributes and recognitions may be received as follows:

- (i) Death of sitting Councillors – The Chair shall have discretion to invite group leaders or another nominated speaker from each group and Independent Member/s to pay tribute;
- (ii) Death of a past Lord Mayor – The Chair will make an announcement and pay tribute; and
- (iii) Death of a former Councillor – The Chair will make an announcement only.

The Chair shall have discretion to announce a one minute silence.

## **27 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 presented in writing 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 35).
- (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.
- (i) At any time before the start of the Council meeting, each of the political groups may, through their nominated spokesperson, provide the Chair with a list of their priority speakers in respect of any one or more agenda items. Without prejudice to the Chair's discretion (under Rule 7(b)), and subject to compliance with these Council Meeting Procedure Rules, the Chair will endeavour to allow the named Members to speak in the relevant debate in the prioritised order.

## **28 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 4 – General Provisions**

### **29 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 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. At the conclusion of the vote, the Clerk shall declare whether the motion or recommendation is carried or not; 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 declare the motion or recommendation to be carried. However, if there are any objections, the Chair shall initiate a vote.

#### **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.

### **30 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 17).

### **31 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 summons or remotely, by means of video conferencing software which enables persons who are not in the same place to speak to and be heard by each other and to see and be seen by each other.
- (b) All Members 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.

### **32 ELECTRONIC BROADCAST AND RECORDING OF MEETINGS**

- (a) Council meetings shall be webcast as they take place, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution), so that members of the public not in attendance at the meeting can see and hear the proceedings. The webcast shall be available electronically on the Council's website for a period of 12 months after the meeting.
- (b) Other filming, recording and use of social media is permitted during Council 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.

### **33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **Suspension**

- (a) All or any of these Council Rules of Procedure except Rule 29 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.

### **34 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 Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

### **35 INTERPRETATION**

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

*“Relevant Business”* means matters:

- (i) for which the Council has a responsibility or which call on central government or another responsible body to take, or refrain from, some specific action in relation to the powers or responsibilities of the Council; and
- (ii) which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of Cardiff.

*“Inappropriate Business”* means matters that:

- (i) are not Relevant Business;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (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; or
- (vi) are ultra vires the Council or unlawful.

*“Remotely”* or *“by remote means”* means from a different physical location connected through an online meeting platform.

*“Working Day”* means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

- (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.

## Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
Mon	-13					9am – Start of the Submission Period for submission of Ordinary Motions
Tues	-12					
Wed	-11					
Thu	-10					
Fri	-9			9am - Deadline for asking questions to ensure answer given by meeting.		5pm – End of Submission Period (deadline for submission)
WEEKEND						
Mon	-8					
Tue	-7	5pm – Deadline for Submission of Petitions				
Wed	-6	5pm - Deadline for Submission of Public Questions				
Thu	-5	Deadline for submission of Green Papers				
Fri	-4	Summons and Agenda Circulated				
WEEKEND						
Mon	-3					
Tue	-2		12.00 noon – Deadline for submission of Oral Questions			5pm - Deadline for submission of amendments to Ordinary Motions
Wed	-1	9am - Deadline for submission of amendments to reports				
<b>Thu</b>	<b>0</b>	<b>Council Meeting</b>		12.00 noon - Written copies of questions and answers circulated by email		
Fri	1					
WEEKEND						
Mon	2					
Tue	3					
Wed	4					
Thu	5	Circulation of written copy of Oral Question/Answers				