# **RULES OF PROCEDURE**

# 1 INTRODUCTION

* 1. These rules shall be referred to as the Council Procedure Rules

# COUNCIL PROCEDURE RULES (Standing Orders)

# Application

* + 1. The Council Procedure Rules contained in the Sections below will apply to meetings of the Full Council and, where applicable, to other meetings conducted within the Council.

# Annual Meeting of the Council

* + 1. Timing and Business. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The annual meeting will:
       1. elect a person to preside if the Chair and Vice Chair of the Council are not present;
       2. elect the Chair of the Council;
       3. elect the Vice Chair of the Council;
       4. approve the minutes of the last meeting;
       5. receive any announcements from the Chair and/or the Chief Executive;
       6. elect the Leader of the Council at the initial annual meeting of the Council;
       7. agree the number of Members to be appointed to the Executive and their portfolios;
       8. appoint the Scrutiny Committees, a Standards Committee, Governance and Audit Committee, Democratic Services Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Part 3 of this Constitution);
       9. determine which political group shall nominate the chair of each Scrutiny Committee appointed under (viii) above, having regard to the guidance issued under the Local Government (Wales) Measure 2011;
       10. approve the Scheme of Delegations
       11. approve a programme of ordinary meetings of the Council for the year; and
       12. consider any business set out in the notice convening the meeting.
    2. Selection of Councillors on Committees and Outside Bodies. At the annual meeting, the Council meeting will:
       1. decide which committees and sub-committees to establish for the municipal year;
       2. decide the size and terms of reference for those committees;
       3. decide the allocation of seats to political groups in accordance with the political balance rules;
       4. make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

# Ordinary Meetings

* + 1. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting. The order of business at ordinary meetings will be as follows:
       1. elect a person to preside if the Chair and Vice Chair are not present;
       2. receive any declarations of interest from Members;
       3. approve the minutes of the last meeting
       4. receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the Council’s functions;
       5. receive any announcements from the Chair, Leader, members of the Cabinet or the Chief Executive;
       6. receive reports/proposals from the Executive, officers and the Council’s committees and receive questions and answers on any of those reports/proposals;
       7. consider motions;
       8. deal with questions from Members;

# Extraordinary Meetings

* + 1. The Chief Executive and/or Monitoring Officer may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:
       1. the Council by resolution;
       2. the Chair of the Council;
       3. 10% of the number of Members of the Council if they have signed a requisition presented to the Chair of the Council who has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.
    2. The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc., except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council’s business.

# Appointment of members of committees and sub-committees

* + 1. The Council or Committee may appoint members to a committee or sub-committee as the case may be:
       1. by naming the members so appointed; or
       2. by reference to such numbers of members as a specified political group or groups shall from time to time nominate.
    2. When members are appointed under the above the political group in question shall notify the Chief Executive in writing of the names of the members who may nominate.
    3. A political group may from time to time change its membership of a committee by giving notice in writing to the Chief Executive
    4. To ensure that scrutiny committees remain politically balanced, it would be proposed that where an appointed member cannot attend a scrutiny committee or they have a prejudicial interest which requires them to step out, the Monitoring Officer, in consultation with the Group Leader for that respective member be authorised to identify a substitute member to sit on that scrutiny committee for that particular meeting only.
    5. The decisions of a political group are to be taken as those expressed to the Chief Executive:
       1. in writing by the leader or other representative of the group concerned;
       2. in a written statement signed by a majority of the members of the group;
    6. This rule of procedure applies to appointments to committees, sub-committees and other informal groupings of members but not to appointments or nominations on external bodies.

# Time, Place and Duration of Meetings

* + 1. The time and place of meetings will be determined by the Chief Executive and notified in the summons.

# Notice of and Summons to Meetings

* + 1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules (below). At least 5 clear working days before a meeting, the Chief Executive will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

# Chair of Meeting

* + 1. The person presiding at the meeting may exercise any power or duty of the Chair. Following consultation with the Monitoring Officer, the decision of the Chair of the meeting on all points of procedure and order and the Chair's interpretation of any Procedure Rule shall be final and no debate may ensue thereon.
    2. Where these rules apply to committee and sub-committee meetings, references to the Chair should instead be read as reference to the chair of that committee or sub-committee.

# Quorum

* + 1. The quorum of a meeting will be one half of the whole number of Members. During any meeting if 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 a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.
    2. In the case of the Planning Committee, the quorum must be 50% in accordance with the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

# Remote Attendance

* + 1. Remote attendance at meetings of the council is permitted. Any member who attends in a voting capacity remotely (the “remote attendee”) must be enabled to speak to and be heard by each other and to see and be seen by each other. This shall not apply to any member who is not a voting member and is merely observing.
    2. The failure of any technological provision, whether that leads to a partial or complete loss of contact between the remote attendees and those members in actual attendance during the meeting shall not invalidate any part of the deliberations or any vote taken. The Chair may postpone the meeting if they deem that appropriate.

# Questions by the Public

* + 1. Members of the public may ask questions of Members of the Cabinet at ordinary meetings of the Council in line with the public speaking protocol;
    2. Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

# Questions by Members

* + 1. A Member of the Council may ask the Leader, Cabinet Member, Officer or the Chair of a Committee any question without notice directly arising from an item of the report of the report when that item is being received or is under consideration by the Council.
    2. Subject to 2.12.4 a Member of the Council may ask:
       1. the Chair;
       2. a Member of the Cabinet;
       3. the Chair of any committee or sub-committee;
       4. Officer

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

* + 1. Subject to 2.12.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.
    2. Notice of Questions. A Member may ask a question if:
       1. they have given at least 2 working days’ notice in writing of the question to the Chief Executive Services (calculated on the basis of a working day running from midnight to midnight); or
       2. the question relates to urgent matters, they have the consent of the Chair or Member to whom the question is to be put and the content of the question is given to the Head of Democratic Services at least 2 hours before the meeting.
    3. Questions of which notice has been given will be listed on the agenda in the order determined by the Chair of the Council, committee or sub- committee.
    4. Questions must, in the opinion of the Chair:
       1. contain no expressions of opinion;
       2. relate to matters on which the Council has or may determine a policy;
       3. not relate to questions of fact.
    5. An answer may take the form of:
       1. a direct oral answer at the meeting;
       2. where the desired information is in a publication of the Council or other published work, a reference to that publication;
       3. where the reply cannot conveniently be given orally, a written answer circulated within 5 working days to all members of the meeting and included in the meetings minutes and recorded via the Mod Gov System. Members shall aim, where possible, to provide a direct oral answer but the member shall have the final determination on the approach they wish to take.
    6. A Member asking a question under these rules may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
    7. A Member asking a question under these rules shall not speak other than in exercise of their right to ask a supplementary question.

# Reports

* + 1. Reports presented to the Council will be followed by such questions and debate as desired by the other Members present, within these rules, and as permitted by the Chair.

# Motions on Notice

* + 1. Except for motions which can be moved without notice and in cases of urgency, written notice of every motion must be delivered to the Chief Executive not later than midnight on the seventh working day before the Council meeting at which it is to be considered.
    2. Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.
    3. Motions must be about matters for which the Council has a responsibility or which affect the wellbeing of the administrative area of the Council.
    4. No motion proposing that a decision be made under Section 249 (5) of the Local Government Act 1972 (Honorary Freeman or Honorary Freewoman) may be submitted to the full Council except by a Motion on Notice to be considered at an Extraordinary meeting of Council convened for that purpose.
    5. Notice of an urgent Motion is still required and must be delivered to the Chief Executive no later than 2 hours before the start of the relevant meeting. Urgent motions may be accepted if:
       1. the Chief Executive or Monitoring Officer determines that the matter satisfies the definition of urgency; and
       2. the Chair agrees to address the matter in the meeting.

# Motions without Notice

* + 1. The following motions may be moved without notice:
       1. to appoint a Chair of the meeting at which the motion is moved;
       2. in relation to the accuracy of the minutes;
       3. to change the order of business in the agenda;
       4. to refer something to an appropriate body or individual;
       5. to appoint a committee or Member arising from an item on the summons for the meeting;
       6. to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
       7. to withdraw a motion;
       8. to amend a motion;
       9. to proceed to the next business;
       10. that the question be now put;
       11. to adjourn a debate;
       12. to adjourn a meeting;
       13. to suspend a particular Council Procedure Rule;
       14. to exclude the public and press in accordance with the Access to Information Procedure Rules;
       15. to not hear further a Member or to exclude them from the meeting; and
       16. to give the consent of the Council where its consent is required by this Constitution.

# Rules of Debate

* + 1. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
    2. Unless notice of the motion has already been given, the Chair may require it to be written down and copied to them before it is discussed.
    3. When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
    4. Speeches must be directed to the question under discussion or to a personal explanation or point of order no speech may exceed ten minutes without the consent of the Chair.
    5. A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
       1. to speak once on an amendment moved by another Member;
       2. to move a further amendment if the motion has been amended since they last spoke;
       3. if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
       4. in exercise of a right of reply;
       5. on a point of order; and
       6. by way of personal explanation.

# Amendments to Motions

* + 1. An amendment to a motion must be relevant to the motion and will either be:
       1. to refer the matter to an appropriate body or individual foR consideration or reconsideration;
       2. to leave out words;
       3. to leave out words and insert or add others; or
       4. to insert or add words;

as long as the effect of 2.17.1 (a) to (d) is not to negate or completely rewrite the motion.

* + 1. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
    2. If an amendment is not carried, other amendments to the original motion may be moved.
    3. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
    4. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

# Alteration of Motion

* + 1. A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.
    2. A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.
    3. Only alterations which could be made as an amendment may be made.

# Withdrawal of Motion

* + 1. A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

# Right of Reply

* + 1. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
    2. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
    3. The mover of the amendment has no right of reply to the debate on their amendment.

# Motions which may be Moved During Debate

* + 1. When a motion is under debate, no other motion may be moved except the following procedural motions subject to the Chair’s discretion
       1. to withdraw a motion;
       2. to amend a motion;
       3. to proceed to the next business;
       4. that the question be now put;
       5. to adjourn a debate;
       6. to adjourn a meeting;
       7. to exclude the public and press in accordance with the Access to Information Procedure Rules; and
       8. to not hear further a Member named or to exclude them from the meeting

# Closure Motions

* + 1. A Member may move, without comment, the following motions at the end of a speech of another Member;
       1. to proceed to the next business;
       2. to ask that the question be now put;
       3. to adjourn a debate; or
       4. to adjourn a meeting.
    2. If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
    3. If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting the motion to the vote.
    4. 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

# Point of Order

* + 1. A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

# Personal Explanation

* + 1. A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

# Previous Decisions and Motions

* + 1. A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless moved on the recommendation of a Committee or the Cabinet or the notice of motion is signed by at least two Members, except in the case of new information becoming available.
    2. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless moved on the recommendation of a Committee or the Cabinet or the notice of motion is signed by at least two Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

# Voting

* + 1. Unless this Constitution 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.
    2. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
    3. Unless a recorded vote is demanded under the Chair will take the vote by show of hands or by use of the Council’s electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.
    4. If one sixth of the voting Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
    5. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
    6. When the outcome is 2 or fewer votes or will require the Chair to consider casting a deciding vote, a roll-call will be carried out in the same style of a recorded vote so the result is beyond question. The number of votes for each option will be noted in the minutes.
    7. If there are more than 2 people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

# Minutes

* + 1. The Chair will approve the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.
    2. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.
    3. Minutes will contain all motions and amendments in the form and order the Chair put them.

# Record of Attendance

* + 1. The Democratic Services Officer in attendance will create a record of attendance for inclusion in the minutes.

# Presentation of Petitions

* + 1. At a meeting of the Council any member of the Council may present a petition, signed by person other than members of the Council, which is relevant to some matter in relation to which the Council or Cabinet have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy them self that the petition is proper to be received in accordance with the Petition Scheme.
    2. A member wishing to present a petition shall give notice of their intention to do so to the Chief Executive before the beginning of the meeting at which they wish to present it.
    3. Petitions shall be presented in the order in which notice of them is received by the Chief Executive.
    4. Petitions from the public shall be considered in line with the Petition Scheme of Neath Port Talbot Council

# Exclusion of Public

* + 1. Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules of this Constitution or where excluded in line with these Council Procedure Rules

# Members’ Conduct

* + 1. When a Member speaks at Full Council they may stand if they wish but the practicalities of the need to use the microphones can mean that to remain seating is likely to be more practicable).
    2. The meeting should be addressed through the Chair.
    3. If more than one Member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.
    4. When the Chair speaks during a debate, any Member speaking at the time must stop and sit down if stood. The meeting must be silent.
    5. If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may direct that the Member be not heard further.
    6. If the Member continues to behave improperly after such a motion is carried, the Chair may direct that either the Member leaves the meeting or that the meeting is adjourned for a specified period.
    7. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

# Disturbance by Public

* + 1. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
    2. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

# Filming and Use of Social Media During Meetings

* + 1. Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting and no filming takes place during consideration of any exempt/confidential matters..

# Suspension and Amendment of Council Procedure Rules

* + 1. All of these Council Rules of Procedure except 2.3.1 and 2.33 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.
    2. 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.
    3. At the discretion of the Chair, any of the Council Rules of Procedure will be subject to 'reasonable adjustment' by suspension or amendment and without notice as appropriate, to prevent a disabled elected member or member of the public being placed at a disadvantage in terms of their proper participation in any aspect of Council procedures.

# Application to Committees and Sub-Committees

* + 1. All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet, save as set out in the Executive Procedure Rules. Only Rules 27.6 to 27.9, 27.13 to 27.16, 27.26 to 27.35 (but not Rule 27.32.1) apply to meetings of committees and sub-committees.

# Appointment of Substitute Members on Council Bodies

* + 1. The substitution rules will not apply to meetings of the Cabinet, the Registration and Licensing Committee, the Licensing and Gambling Act Committee, the Planning Committee or the Governance and Audit Committee.
    2. Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.
    3. The Chief Executive will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group and the request is received no later than one hour before the meeting.
    4. Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
    5. Substitute Members may attend meetings in that capacity only:
       1. to take the place of the ordinary Member for whom they are designated substitute;
       2. where the ordinary Member will be absent for the whole of the meeting; and
       3. where the ordinary Member or that Member’s political group has notified the Head of Democratic Services of the intended substitution at least one hour before the start of the relevant meeting.