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## 1 Meetings

1 The Head of Democratic Services, shall summon all meetings of the Council or Chief Legal Officer, in her/his absence. A notice period of 5 clear working days shall be given to Council meetings and to Cabinet Meetings. However in exceptional circumstances the 5 clear working day notice period may be waived providing prior written agreement (via e-mail) is received from the Presiding Member, Monitoring Officer and / or Head of Democratic Services or their respective Deputies. A notice period of 3 Clear working days will apply to all other Committee meetings.

### Note:

This provision does not allow the Authority to waive its legislative duty to meet the 3 clear working day requirement'.

2 ~~The summons will set out the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-location meetings, details of how to access the meetings by remote means.~~

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## 2 Timing of the First Annual Meeting of Council

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on a date that the Council may fix between the eighth day of the retirement of the outgoing Councillors but within 21 days of the retirement of the outgoing Councillors.

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## 3 Timing of the Annual Meeting of Council

The Council shall hold an Annual Meeting in such place and at such time of day during the months of March, April or May as the Council shall fix.

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## **4 Smoking/Refreshments/Mobile Phones/Comfort Break**

- 1 Smoking is prohibited by Law in all Council premises.
- 2 Members shall refrain from refreshments other than water unless under the direction of the Presiding Member.
- 3 Councillors shall refrain from using mobile phones or similar devices for verbal communication during meetings. However, Councillors may use mobile phones, mobile internet devices or similar devices for internet access during meetings provided they comply with any rules in place by legislation or by the Council. These devices must be set to silent.
- 4 Should a Councillor require the use of a noise emitting device based on medical grounds during a meeting, then the Presiding Member must be informed of the necessity.
- 5 Councillors and Officers are reminded that a 'voluntary' contribution to the Lord Mayor's Fund is expected where a noise emitting device disrupts the meeting without a prior dispensation from the Presiding Member.
- 6 The Presiding Member shall have the discretion to call an adjournment at an appropriate time after approximately 2 hours of a meeting in order to facilitate a 10 minute comfort break. The Presiding Member may repeat such a break as necessary.



## **5 Timing of Ordinary, Extraordinary and Ceremonial Meetings of Council**

- 1 Meetings of the Council other than the Annual Meeting shall be held on such other days and at such other times as the Council may determine.
- 2 At the Annual Meeting a programme of ordinary meetings of the Council for the year will be agreed. There will be no variation to the programme except at the request of the Presiding Member in consultation with political Group Leaders. The cancellation shall be notified to all Councillors at least 7 clear working days before the original date of the meeting.



## **6 Order of Business**

This Council Procedure Rule outlines the Order of Business for the 5 types of Council Meeting, namely:

- a) First Annual Meeting of Council;
- b) Annual Meeting of Council;
- c) Ordinary Meeting of Council;
- d) Extraordinary Meeting of Council;
- e) Ceremonial Meeting of Council.



## 7 The First Annual Meeting of Council

The First Annual Meeting in the year of ordinary election of Councillors to the Council shall transact the following business:

- a) Election of Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of Presiding Member for the ensuing Municipal Year;
- c) Election of Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Announcement from the Presiding Member and/or ~~Head of the Paid Service~~Chief Executive;
- h) Election of the Leader of the Council;
- i) Names of Councillors that the Leader of the Council has chosen to be members of the Cabinet and where applicable those Cabinet positions that will operate on a job share basis;
- j) Constitutional Matters; (appoint Council bodies, decide the size of these Council bodies, decide the allocation of seats to these Council bodies, receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors' Handbook; (Review of Councillors Mileage Distances)
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approval of a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised;



## 8 Annual Meeting of Council

The Annual Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Election of the Presiding Member for the ensuing Municipal Year;
- c) Election the Deputy Presiding Member for the ensuing Municipal Year;
- d) Apologies for Absence;
- e) Disclosures of Personal and Prejudicial Interests;
- f) Minutes of Council;
- g) Presiding Member and/or ~~Head of the Paid Service~~Chief Executive Announcements;
- h) Receive the names of Councillors that the Leader of the Council has chosen to be members of the Cabinet;
- i) Councillors' Handbook;

- j) Constitutional Matters (Appoint Council bodies; Decide the size of these Council bodies; Decide the allocation of Seats to these Council Bodies; Receive nominations and appoint Councillors to serve on these Council bodies)
- k) Councillors Handbook;
- l) Reaffirmation of the adoption of the Council Constitution;
- m) Approve a programme of Ordinary Meetings of the Council for the ensuing Municipal Year;
- n) Consider any business set out in the notice convening the meeting;
- o) Authorise the sealing of documents not otherwise authorised.



## 9 Ordinary Meeting of Council

Except as otherwise provided by this Council Procedure Rule, the Order of Business at any meeting of the Council shall transact the following business

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Minutes of Council;
- e) Deal with any business having precedence by statute;
- f) Written responses to questions asked at the last Ordinary Meeting of Council;
- g) Announcements/Communications from the Presiding Member;
- h) Dispose of business (if any) remaining from the previous meeting;
- i) Announcements/Communications from the Leader of the Council;
- j) Public Questions;
- k) Presentations by Third Sector Organisations;
- l) Receive and consider recommendations, reports or minutes from Cabinet, Standards Committee, Overview & Scrutiny Boards any matters referred from regulatory committees, any matters from the Presiding Member or from any statutory Officer;
- m) Fill vacancies and appoint Members on other bodies on a recommendation from Cabinet;
- n) Reports from Officers;
- o) Councillor Questions;
- p) Consider Notices of Motion in the order in which they have been received;
- q) Other business, if any, specified in the summons;

### **Note:**

With the consent of the Presiding Member, the Council may, by Resolution at any meeting, vary the order of business set out in the foregoing paragraph with the exceptions of items a, b, c, d and e and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972. This shall also apply to other Bodies of the Council.



## 10 Extraordinary Meeting of Council

An Extraordinary Meeting of the Council may be called at any time at the request of the Presiding Member or any 5 Members, addressed in writing to the Proper Officer and setting out the business to be considered thereat. The Extraordinary Meeting of Council shall transact the following business:

- a) Election of a Chair Pro Tem (if the Presiding Member or Deputy Presiding Member is not present);
- b) Apologies for Absence;
- c) Disclosures of Personal and Prejudicial Interests;
- d) Announcements / Communications from the Presiding Member;
- e) Announcements / Communications from the Leader of the Council;
- f) Public Questions;
- g) Consider any business set out in the notice convening the meeting;
- h) The signing of the minutes of Extraordinary meetings of the Authority (called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972), shall be undertaken at the next Ordinary meeting of the Authority which shall be treated as a suitable meeting for the purposes of paragraph 15(1) and (2), (signing of Minutes) of that Schedule.



## 11 Ceremonial Meeting of Council

- 1 Ceremonial Meeting of Council shall be presided over by the Lord Mayor (or Deputy Lord Mayor in his/her absence).
- 2 The Ceremonial Meeting of Council shall deal with the Inauguration of the Lord Mayor, granting Honorary Freedom of the City and County of Swansea status and/or any ceremonial duty as deemed appropriate by the Lord Mayor in conjunction with the Presiding Member and Chief Executive.
- 3 The Ceremonial Meeting of Council shall transact the following business:
  - a) Election of a Chair Pro Tem Elect (if the Lord Mayor/Deputy Lord Mayor is not present);
  - b) Apologies for Absence. (These apologies will not be orally read out but shall be reflected in the minutes);
  - c) Disclosure of Personal and Prejudicial Interests;
  - d) Consider any business set out in the notice convening the meeting.



## 12 Chair of Meetings

- 1 The Chair of Council shall be the Presiding Member and the Vice Chair of Council shall be the Deputy Presiding Member. References in these Procedure Rules to Chair and Vice Chair shall be interpreted accordingly where necessary.
- 2 In the absence from a meeting of the Presiding Member, the Deputy Presiding Member shall take the Chair but in the absence of the Presiding Member and Deputy Presiding Member, a Chair for that meeting shall be appointed.

### **Provided that:**

Where a person is chosen to preside in the absence of the Presiding Member or Deputy Presiding Member and the Presiding Member or Deputy Presiding Member arrives at the meeting after such a choice has been made, then the person chosen shall complete the item in hand and thereupon relinquish the Chair to the Presiding Member or Deputy Presiding Member as the case may be.

- 3 Any power or duty assigned to the Presiding Member in relation to the conduct of any meeting shall be exercised by the person presiding at that meeting.
- 4 Other than where specified, the period of office of an Officeholder of a Body of the Council shall be deemed to terminate at the Council's Annual Meeting in a non-election year, the last day before the day of a Local Government Election in an election year or the day a Member ceases to be a Member, in which case the period of office shall terminate on dissolution, alteration or termination of office.



## 13 Quorum

- 1 The quorum of the Council shall be one quarter of all Members and if during any meeting of the Council the Presiding Member after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned immediately after the count.
- 2 Except where specifically authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the voting Members of the Committee is

present.

**Provided that:**

In no case shall the quorum of any Body of the Council be less than three voting Members.

- 3 The consideration of business not transacted shall be adjourned to a time fixed by the Presiding Member at the time the meeting is adjourned, or, if s/he does not fix such a time, to the next ordinary meeting of the Council or Committee.
- 4 Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the summons or by remote means in accordance with the Council's arrangements for multi-location meetings provided that they can speak to, hear and be heard by, other attendees at the meeting.
- 5 For the purposes of section 4 above, attendance by "remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.
- 6 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.

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## 14 Record of Attendance and/or Interest

- 1 ~~An attendance sheet or register shall be provided by the Proper Officer at every meeting on which each Member present at the meeting shall enter her/his name.~~ Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified in the summons or by remote means in accordance with the Council's arrangements for multi-location meetings provided that they can speak to, hear and be heard by, other attendees at the meeting.
- 2 For the purposes of section 1 above, attendance by "remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.
- 3 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.
- 14 A Member's Interests sheet or register shall be provided by the Monitoring Officer at every meeting on which each Member present at the meeting shall enter all declarable interests relevant to the business to be conducted at that meeting.

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## 15 Minutes



- 1 The Presiding Member shall put the question: "That the minutes of the previous meeting held on (the day in question) be approved as a correct record".
- 2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Presiding Member/Deputy Presiding Member shall duly sign the minutes.

## **16 Interests, Gifts and Hospitality of Members**

### **1 Personal Interests**

- a) If any Member of the Council has a personal interest within the Code of Conduct as adopted by the City and County of Swansea, in any business of the Authority, and attends a meeting at which that business is considered, such Member must disclose orally to the meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent. Such disclosure is not withstanding the fact that s/he may previously have disclosed the said personal interest by entering it into the Register kept by the Monitoring Officer under the Code of Conduct and/or section 81 of the Local Government Act 2000.
- b) A Member who has declared a personal interest may remain to speak and vote unless it is also a Prejudicial Interest.

### **2 Sensitive Information**

Where a Member has agreement from the Monitoring Officer that the information relating to the Member's personal interest is sensitive information, as defined in the Code of Conduct, the Member's obligations to disclose such information, whether orally or in writing, are replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

### **3 Prejudicial Interests**

- a) Subject to paragraph b where any Member has a personal interest in any business of the Authority which is also a prejudicial interest as defined in the Code of Conduct, such Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held.
- b) Where a Member has a prejudicial interest in any business of the Authority, s/he may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, the Member must, unless s/he has obtained a dispensation from the Authority's Standards Committee, withdraw from the room, chamber or place where the meeting considering the business is being held, immediately after the period for making representations, answering

questions, or giving evidence relating to the business has ended, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration.

- c) If the Member is relying on a grant of a dispensation by the Standards Committee, the Member shall, before the matter shall be under consideration, (i) disclose orally both the interest concerned and the existence of the dispensation; and (ii) before or immediately after the close of the meeting give written notification to the Authority containing:
- i) details of the prejudicial interest;
  - ii) details of the business to which the prejudicial interest relates;
  - iii) details of, and the date on which, the dispensation was granted; and
  - iv) the Member's signature.

**Note:**

Members must declare all interests verbally at the relevant meeting. Members shall enter all declared interests on a sheet provided for that purpose in accordance with Procedure Rule 14(2).

- d) Members must register their financial interests and other interests, where they fall within a category mentioned in Paragraph 10(2)(a) of the Code in the Register maintained by the Monitoring Officer under section 81(1) of the Local Government Act 2000 by providing written notification to the Monitoring Officer. Members must also, within 28 days of becoming aware of any new Personal Interest or change to any Personal Interest registered in the said Register, register that new Personal Interest or change by providing written notification to the Monitoring Officer.
- e) Registration does not apply to sensitive information as defined in the Code.
- f) The said Register shall be open to inspection by any member of the public without charge during office hours.
- g) All disclosures, declarations, withdrawals and dispensations shall be recorded in the minutes of the meeting in which they are made.
- h) Immediately on making her/his Declaration of Acceptance of Office any Member shall in accordance with the City and County of Swansea's Code of Conduct, sign an undertaking to be bound by that Code, (or any amendment or re-enactment) and enter on the form provided for that purpose, a list of her/his personal interests, such form shall be open to public inspection, and shall be kept up to date by the Member concerned by notifications of any revisions or updates. The form shall be placed on deposit with the Monitoring Officer.

#### 4 **Gifts and Hospitality**

The Monitoring Officer shall maintain a Register for the declaration of any gifts or hospitality of more than £25 in value in accordance with Paragraph 17 of the Code of Conduct and the said register shall be open to inspection by any member of the public without charge during office hours.

Any gift accepted by a Member on behalf of that Member's relevant Authority need not be notified to the Monitoring Officer, but must be notified to the Lord Mayor's Office. The gift shall then be recorded in the Lord Mayor's gift register and the said register shall be open to inspection by any member of the public without charge during office hours. The member shall deliver the gift to the appropriate officer.

## 5 **Interests, Gifts and Hospitality of Officers**

- a) It shall be the duty of all Officers to declare all or any offer in writing or acceptance of any gift or hospitality of more than £25 in value. Chief Officers shall make such declarations to the Chief Executive, all other Officers to their Chief Officer. A Register shall be maintained by the relevant Officer, for the purpose of recording all gifts and hospitality offered, in writing or received.
- b) The Monitoring Officer shall record in a register to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 "Disclosures by Officers of Interests in Contracts" of the Local Government Act, 1972, for the personal inspection of any Member of the Council and particulars of any interests which Officers of the Council are required to register under any rules set out in the Staff Handbook;
- c) It shall be the duty of any member of staff to declare interests in accordance with any rules set out in the Staff Handbook;
- d) The register mentioned in Procedure Rule 16.5(a) shall be open during office hours only to the personal inspection of Members and not otherwise.

### **Note:**

There is no provision for dispensations (i.e. removal or exclusion of disability to participate in a meeting, including the giving of advice) in the case of an officer.

## 17 Rules of Debate

### 1 Respect for Chair

When the Presiding Member ~~stands~~ speaks during a debate all Councillors must immediately stop speaking and the Council must be silent.

### 2 Standing Showing respect when Speaking

A Councillor, when speaking at Council, must ~~stand and~~ address the Presiding Member; all others must remain ~~seated and~~ silent, unless rising to indicating to the Presiding Member that he/she wishes to raise a point of order or in a personal explanation or on a point of information.

This Procedure Rule does not apply to other Council Body meetings such as Cabinet, Committees etc.

When a Councillor ~~raises for~~ raises a "Point of Order" or ~~in~~ "Personal Explanation" or ~~on~~ a "Point of Information", Paragraph 17(12) "Personal Explanation, Points of Order and Points of Information" applies. If this occurs, the Councillor ~~rising for that purpose has the floor and the other Councillors will sit down.~~ shall be heard immediately and shall be allowed to speak without interruption.

### 3 Order of Speaking

If two or more Councillors indicate their wish to speak, the Presiding Member will call on one and the other(s) must ~~then sit~~ remain silent. The Presiding Member may decide and announce that Councillors will be called in a given order at specified points during the debate. Alternatively, the Presiding Member may also decide to open a list of Councillors wishing to speak and to restrict the speakers to those that indicate an intention to speak prior to the closure of the list. The Presiding Member shall announce when this list is closed.

Once a Motion has been proposed and seconded the Presiding Member shall invite Councillors to speak in the following order:

- a) The Leader of the Largest Opposition Political Group;
- b) The Leader of the next Largest Opposition Political Group;
- c) The Leader of the Other Political Group(s). If there is more than one, the Leader of the largest of the Opposition Political Groups will be invited to speak first. If two or more Political Groups have the same number of members it is a matter for the Presiding Member which Political Group Leader will be invited to speak first;
- d) The Leader of the Council;
- e) Other Councillors.

When invited to speak by the Presiding Member a Leader of a Political Group may nominate another member of his/her Group to speak in his/her place. The Group Members will then be invited to speak. S/he will have 3 minutes in which to make a speech.

#### 4 **Content and Length of Speeches**

A Councillor's speech must relate solely to the matter under discussion and no speech shall exceed 5 minutes in the case of:

- a) The mover of a motion;
- b) The Political Group Leaders or Deputy Political Group Leader in the absence of the Political Group Leader;
- c) A Cabinet Portfolio Holder who is presenting a report to Council or moving the adoption of the recommendation of the Executive (Cabinet);
- d) In all other cases, except with the consent of the Presiding Member of Council no speech will exceed 3 minutes.

#### 5 **When a Councillor may Speak Again**

A Councillor who has spoken on any motion may not speak again whilst it is still the subject of debate except:

- a) To speak once on an amendment moved by another Councillor;
- b) If the motion has been amended since s/he has last spoke, to move a further amendment;
- c) If the Councillor's first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d) In exercise of a right of reply given by this Council Procedure Rule;
- e) In the case of the Political Group Leaders, a Chair of a Committee or Cabinet Portfolio Holder, to respond to a question directed to him/her or on any other matter that may not have arisen during the debate at the Chair's discretion;
- f) On a Point of Order or Point of Information or by way of Personal Explanation;
- g) With the consent of the Presiding Member;
- h) Leader of the Council prior to the proposer of the Motion.

#### 6 **Procedure for Motions or Amendment**

Before a motion or amendment can be discussed at a Council meeting:

- a) It must be proposed and seconded; and
- b) It must be put in writing by the proposer and ~~handed~~ presented to the Presiding Member (unless the Presiding Member agrees that the motion or amendment is so brief as to make this unnecessary).

An amendment must be relevant to the Motion and will be either:

- a) To refer a subject of debate to the Executive (Cabinet) or to a Committee;
- b) To leave out words;
- c) To leave out words and insert or add others;
- d) To insert or add words.

No amendment may be moved which would have the same effect as voting against the motion.

Only one amendment may be moved and discussed at a time.

No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is lost, then other amendments may be moved upon the original motion.

If there are no further amendments, the original motion will be put to the vote;

If an amendment is carried, the amended motion takes the place of the original motion. This then becomes the substantive motion to which further amendments may be moved.

After an amendment has been carried, the Presiding Member will read out the amended motion before accepting any further amendments.

If there are no further amendments, the final amended motion will be put to the vote.

## **7 Secunder's Speech**

A Councillor when seconding a motion or amendment may reserve his or her speech until later in the debate.

## **8 Alteration to Motion**

With the consent of the Council, a Councillor may alter a motion of which notice has been given or (with the consent of the seconder) alter a motion which s/he has moved, subject to such alterations being those which could be made as amendments.

## **9 Withdrawal of Motion**

A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Council signified without discussion.

No Councillor may speak on a motion or amendment after the proposer has asked to withdraw it, unless permission to withdraw it has been refused.

## **10 Right of Reply**

The proposer of a motion has a right of reply prior to the close of the debate on a motion immediately before it is put to the vote. Normally, the reply should not exceed 1 minute in length.

At the close of a debate on an amendment the proposer of the original motion and the proposer of the amendment each have a right of reply (in that order). Normally neither should exceed one minute in length.

## **11 Closure Motions**

- a) At the end of a speech by another Councillor, provided another Councillor has not been called to speak by the Presiding Member, a Councillor who has not taken any part in the debate may move without comment that:
  - i) The question be put immediately to the vote;

- ii) The debate be adjourned;
  - iii) The meeting be adjourned;
  - iv) The Council move on to the next business.
- b) This motion will need to be seconded, and if it is seconded, the Presiding Member will proceed as follows if, in his/her opinion, the question before the meeting has been sufficiently discussed:
- i) In the case of a motion under 17.9 above, invite the mover of the original motion to reply, and then put the closure motion to the vote.
- c) If a motion under 17.11 a) above is carried the motion under debate when the closure motion was moved shall be put immediately to the vote after the proposer has exercised his/her right of reply.

## 12 **Personal Explanation, Points of Order and Points of Information**

- a) A Personal Explanation must relate to an important part of an earlier speech by the Councillor in relation to which a misunderstanding has occurred.
- b) A Point of Order is a request by a Councillor to the Presiding Member to rule upon an alleged breach of the Council Rules of Procedure or the law at the meeting.
- c) A Point of Information may be made where a Councillor is aware that the Council has incorrect information before it on a material point.
- d) A Councillor may ~~stand to~~ make a personal explanation, a point of order or point of information at any time and is entitled immediately to address the Presiding Member on the matter; but:
  - i) The Councillor who raises a Point of Order must refer immediately to a Council Procedure Rule or statutory provision and say with reasons how it has been broken or infringed;
  - ii) The Councillor who raises the Point of Information must be able to immediately cite evidence to support their statement;
  - iii) In each case the Councillor's speech must be limited solely to the Personal Explanation or Point of Order or Point of Information;
  - iv) The ruling of the Presiding Member on a Point of Personal Explanation, Point of Order or Point of Information is final and not open to discussion.

## 18 Notice of Motion

- 1 Every Notice of Motion (except as provided in Council Procedure Rule 18.6) for inclusion with the Council Summons shall be submitted to the Proper Officer (Monitoring Officer and/or Head of Democratic Services) by NOON at least 12 clear working days prior to the meeting in order for it to be considered. On receipt of the Motion, the Head of Democratic Services shall date the Motion, number it to show the order in which it was received and enter it in a register which shall be open to inspection by Councillors. The Motion may be submitted either:
  - a) By e-mail listing the Councillor(s) submitting the Motion. The e-mailer MUST ensure that permission has been obtained from those named as submitting the Motion; or;
  - b) In writing signed by the Councillor(s) submitting the Motion.
- 2 The Proper Officer shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they were received unless the Member giving the notice at the time it is submitted stated in writing that s/he proposes to move it at a specific later meeting or, subsequently, given written notice that s/he withdraws it.
- 3 A notice of motion published in the summons shall require a seconder and shall specify the name(s) of the Member(s) giving it and if there be more than one, then any one of them may move it but a Motion not so moved shall be treated as withdrawn.
- 4 The mover and seconder of such a motion shall be allowed to formally move and second the motion.
- 5 On the moving and seconding of a motion, the Presiding Member shall have absolute discretion either to allow the motion to be dealt with immediately or to direct that it shall be referred without debate to any other Body of the Council.
- 6 If the Presiding Member so directs, all referrals to have an agreed timescale as to the date the report should return to Council. The referral should also contain the reason for the deferral in order to assist the Council Body which will have to consider the deferred matter.
- 7 Every notice of motion shall be relevant to matters over which the Council has power or which affects the City and County of Swansea. If, in the opinion of the Presiding Member, a notice of motion does not come within the terms of this Council Procedure Rule s/he may reject the motion.



## 19 Other Motions

Motions relating to the following may be moved and seconded orally and without notice:

- a) Appointment of a Chair at the meeting at which the motion is made;
- b) Motions relating to the accuracy of the minutes, including their approval under Council Procedure Rule 15;
- c) Reference of a matter to a Body of the Council;
- d) The appointment of Members to Bodies of the Council, the filling of casual vacancies thereon, so far as such matters arise from an item mentioned in the summons to the meeting;
- e) Adoption, amendment or rejection of reports and recommendations of a Body of the Council or Officers and any consequent resolutions;
- f) That leave be given to withdraw a motion;
- g) Amendments to motions;
- h) Deferral of a report or motion to a later part of the meeting;
- i) A request to bring a report or motion forward in the agenda;
- j) Authorising the sealing of documents;
- k) Extending the time limit of speeches;
- l) That the question be now put;
- m) The debate be now adjourned;
- n) The Council do now adjourn;
- o) An item of business specified in the summons has precedence;
- p) Suspending Procedure Rules;
- q) Motions under Section 100A of the Local Government Act 1972 to exclude the public.

[↑](#)

## **20 Debates on the Budget and the Accounts**

- 1 This rule applies only to Council meetings where the Council Budget and/or its Accounts are to be discussed. In these circumstances, in addition to the relevant Council Procedure Rules, the following rules will apply:
- 2 The relevant Council Officer will be invited to give a presentation to Council of the information in the report. The presentation to Council shall last for no more than 15 minutes.
- 3 Following the conclusion of the presentation the Presiding Member will then allow questions to the Officers on the information presented and any technical matter.
- 4 The relevant member of the Executive (Cabinet) will then be asked to present the report for no more than 5 minutes.
- 5 Following the presentation the Presiding Member will allow questions to be put to the Executive (Cabinet) Member.
- 6 The Presiding Member will then allow the report to be debated.
- 7 The Presiding Member can vary any of the time limits set out in this paragraph.
- 8 Any amendments which any Councillor/Political Group wishes to propose to the Council's budget must be given in writing (e-mail) to the Chief Executive, Monitoring Officer, Section 151 Officer and relevant Cabinet Member no later than 10.00 a.m. on the working day before the day on which the Council meeting to consider the budget is held.



## **21 Motions Involving Exempt or Confidential Information**

If any matter arises which would be likely to result in the disclosure to members of the public of exempt information (relating to particular employees etc.) of the categories described in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, such matters shall not be the subject of any discussion until a motion to exclude the public has been proposed and voted upon.



## 22 Councillors Questions

- 1 A Councillor who wishes to ask a question must give notice of the text thereof in writing to the Proper Officer by Noon at least 17 clear working days before the date of the meeting of the Council at which the question is to be considered.
- 2 Following the close of receipt of Councillors Questions, the Presiding Member shall meet with the Proper Officer or his/her representative and draw lots for the order in which Supplementary Questions (Part A Questions) will be considered at Council.
- 3 The Presiding Member shall set a date in consultation with the Proper Officer.
- 4 Subject to Council Procedure Rules 22 (1) and 22 (2) above the questioner may ask the Leader or any Cabinet Member within their portfolio or the Chair of any Body one or more questions on matters within the purview of that Body
- 5 Questions submitted by Councillors and the written response to those Questions will appear with the relevant Council Summons.
- 6 Councillor Question Time will be dealt with in 2 parts, the first (Part A Questions) dealing with those questions on which Supplementary Questions may be asked and the second dealing with those Questions where Supplementary Questions shall not be asked (Part B Questions). These questions will henceforth be referred to as Part A and Part B Questions.
- 7 When submitting Questions, Councillors shall be required to make it clear whether their questions will be the subject of Supplementary Questions or not. If no such indication is given (or subsequently obtained 12.00 noon, 2 clear working days prior to the Council Summons being published) then they will be considered as Part B Questions;
  - a) All questions will be answered;
  - b) The Executive (Cabinet)/Presiding Member and Deputy Presiding Member shall not be allowed to ask questions/Supplementary Questions.



## 23 Supplementary Questions (Part A Questions)

- 1 The first Supplementary Question on each question will be invited from one of those Councillors listed as asking that question. All contributions shall be in the form of questions. Statements and speeches shall not be allowed. A maximum of 1 minute will be allowed for such Supplementary Questions;
- 2 Answers to Supplementary Questions shall take no more than 3 minutes per question. The Presiding Member shall have the discretion to extend the time.
- 3 Thereafter with the consent of the Presiding Member that Councillor or any other may ask further supplementary questions on the same matter. A maximum of 1 minute will be allowed for such supplementary questions. There shall be no debate on any answer given.
- 4 Supplementary Questions shall be put and answered without discussion, but the person to whom a question has been put may decline to answer in public session. They may also and in addition provide a written answer. **Such written answers will be made available to all Councillors.**
- 5 Supplementary Questions will be considered within a 30 minute period. The Presiding Member shall have the discretion to extend this time period.



## 24 Questions Not Requiring Supplementary Questions (Part B Questions)

No Supplementary Questions shall be allowed to questions asked under Part B Questions.



## 25 Answers to Questions

- 1 An answer may take the form of:
  - a) A direct oral answer, when the information is available at the meeting;
  - b) A reference to a publication of the Council when the answer is contained in that publication;
  - c) When the reply to the question cannot conveniently be given forthwith, a written answer sent to the Councillor asking the question. **Such written answers will be made available to all Councillors.**
- 2 Notwithstanding the above, questions may only be asked under this Procedure Rule in respect of those matters that are not already provided for discussion within the documentation before that meeting of the Council.

- 3 The provisions of Council Procedure Rule 22 “Councillor Questions” shall not apply to the First Annual Meeting Council of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.



## **26 Presentations and Public Question Time**

- 1 After giving notice of the text thereof in writing to the Proper Officer not later than noon on the previous working day, any Member(s) of the public present may, at the appointed time of the open session of each Council meeting, ask question(s) of any Cabinet Member, Chair or Vice Chair of any Committee or Board of the City and County of Swansea on any matter included on the open part of the agenda of the respective meeting excluding Apologies for Absence, Councillors Disclosures of Interest, Minutes of Previous Meetings, Written responses to questions asked at the last ordinary meeting of Council, Announcements and Presentations.
- 2 If a member of the public wishes to ask a question of which s/he has not given notice, then, if there is time remaining after those questions dealt with under Council Procedure Rule 26 “Presentations and Public Question Time” s/he may ask a question on any item on the agenda of the meeting. All contributions shall be in the form of questions. Statements and speeches shall not be allowed.
- 3 Any questions asked shall receive an answer either within a 10 minute time allocation at the meeting, or subsequently in writing. No debate shall be allowed as a result of the question asked.
- 4 Thereafter, subject to the consent of the Presiding Member, the questioner may ask further supplementary questions on the same matter provided that no general debate shall take place upon any answer given.
- 5 At the discretion of the Presiding Member any Third Sector Organisation or other Organisation may make a presentation to Council on a matter for which the Council has responsibility. Presentations will be allocated on a first come, first served basis.
- 6 One, 10 minute presentation will be permitted per meeting providing that a full summary and the final copy of the presentation is received by the Proper Officer at least 11 clear working days prior to the meeting.
- 7 The relevant Cabinet Member will subsequently be asked to provide a brief response.
- 8 The provisions of Council Procedure Rule 26 “Presentations and Public Question Time” shall not apply to the First Annual Meeting of Council, the Annual Meeting of Council, Ceremonial Meetings of Council or to Extraordinary Meetings of Council.



## 27 Disorderly Conduct

If the person presiding at any meeting of Council or Committee or other Constitutional Body is of the opinion that a member has mis-conducted, or is mis-conducting, himself/herself by persistently disregarding the ruling of the Presiding Member, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of Council, he/she may notify the meeting of that opinion, warn the Member about his/her behaviour and, if the misconduct continues following that warning, may take any of the following courses, either separately or in sequence:

- a) he/she may direct the member to refrain from speaking during all, or part, of the remainder of the meeting:
- b) he/she may direct the member to withdraw from all, or part, of the remainder of the meeting:
- c) he/she may order the member to be removed from the meeting;
- d) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.



## 28 Disturbance by Members of the Public

If any Member of the public interrupts the proceedings of any meeting the Presiding Member shall warn her/him. If she/he continues the interruption the Presiding Member shall order her/his removal from ~~the place of~~ the meeting. In the case of general disturbance in any part of the meeting place open to the public who are physically in attendance the Presiding Member of Council shall order that that part shall be cleared.

If during an interruption of proceedings or during a general disturbance the Presiding Member of Council is of the opinion that the orderly dispatch of business is impossible he/she may without question suspend/adjourn the sitting of the Meeting for such period as he/she shall consider expedient.



## 29 Rescission of Preceding Resolution

- 1 No motion shall be moved:
  - a) To rescind any resolution passed within the preceding six months; or
  - b) To the same effect as a motion which has been rejected within the preceding six months.
- 2 This Council Procedure Rule shall not apply to motions that are in pursuance of a report from the Monitoring Officer or Chief Financial Officer.

- 3 This Council Procedure Rule shall not apply to Committees exercising quasi-judicial powers, where the relevant legal rules shall be followed, particularly those that ensure that all such Committees act in accordance with the rules of Natural Justice, and which shall be set out at the relevant meetings.



## 30 Voting

- 1 Every question shall be determined by a show of hands unless there is an Electronic Voting system available, in which case that system shall be used. At the conclusion of an electronic vote the Democratic Services officer shall declare whether the motion or recommendation was carried or not.
- 2 On the requisition of any Member supported by ten other Members who promptly and together signify their support by either rising in their places where physically present or by a show of hands if attending remotely, the voting on any question shall be recorded in the minutes to show how each Member present and voting gave their vote or abstained as the case may be.
- 3 For the avoidance of doubt it is declared that in the case of an equality of votes on any question in Council, including voting on appointments, the Presiding Member of Council shall have a casting or second vote whether or not s/he shall have voted when the question was put.
- 4 Immediately after a vote is taken at a meeting any Member may, ~~by standing in her/his place, and orally so requesting~~ that the Minutes of the proceedings of the meeting reflect whether that person cast a vote for the question or against the question or whether that person abstained from voting.
- 5 All results of e-votes taken at Council and any other Council Bodies will be published online but not as part of the minutes.



## 31 Common Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Legal Officer.



## 32 Sealing of Documents

- 1 The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a decision of the Council, a Body of the Council, or an Officer to whom the Council have delegated their powers in that behalf, but a resolution of the Council authorising acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate, order or contract, or any other transaction, matter or thing shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

- 2 The Seal shall be attested (including by electronic means) by ~~one of the following persons present at the sealing either the Chief Legal Officer or the Solicitor to the Council and~~ by persons authorised to do so by the Chief Legal Officer and an entry of every sealing of a document shall be made ~~by the Chief Legal Officer or the Solicitor to the Council or persons authorised to do so by the Chief Legal Officer~~ in a register to be provided for the purpose.

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### 33 Signature of Documents

Where it is proper that any document be signed on behalf of the Council (including by electronic means), it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings be signed by the Chief Legal Officer (also the Statutory Monitoring Officer) and any persons authorised by the Chief Legal Officer, or Chief Executive where relevant.

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### 34 Inspection of Documents

- 1 Subject to the provisions of Council Procedure Rule 29 a Member of the Council may for the purposes of her/his duty as such Member, but not otherwise, inspect any document in the possession or control of the Council if it contains material relating to any business to be transacted at a meeting of the Council, (subject to the provisions of ~~the Local Government (Access to Information) Act 1985~~), Schedule 12A Local Government Act 1972 and if copies are available shall on request be supplied for the like purposes with a copy of such document.

**Provided:** That a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which s/he is professionally interested or in which s/he has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972, or in which s/he has an interest declarable under the Members Code of Conduct as adopted by this Council which is of such a nature as would prevent him/her from taking part in a debate and voting on the matter, and that this Procedure Rule shall not preclude the Chief Legal Officer from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

All such requests for documents shall be recorded in a register which the relevant member shall sign. All documents which are disclosed under this provision shall be treated with the utmost confidence.

- 2 All public minutes shall be open for the personal inspection of any Member of the Council or the public during office hours.

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### 35 Inspection of Lands, Premises and Projects



A Member of the Council, unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council have the right or duty to inspect, or issue any order respecting any work which are being carried out by or on behalf of the Council.



## **36 Politically Restricted Posts**

The Chief Executive shall establish and maintain a Register of all Officers holding Politically Restricted Posts. Information held therein shall be released only at the absolute discretion of the Chief Executive.



## **37 Canvassing of Members, Recommendations and Testimonials**

- 1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of the Procedure Rule shall appear in every form of application for that appointment to the Council's service;
- 2 A Member of the Council shall not solicit for any person any appointment under the Council;
- 3 A Member of the Council shall be precluded from giving a written or oral testimonial of the candidate's ability experience or character for submission to the Council with an application for appointments.



## **38 Membership and Meetings of Constitutional Bodies**

- 1 Membership of all established constitutional bodies shall be available on request from the Proper Officer;
- 2 Meetings of each Body set out there in shall take place at such principal place or building as shall be resolved by the Council at an hour to be determined by its Chair save that if circumstances so justify, a Chairman of such a Body may direct that a particular Body shall be held at such other place as s/he thinks fit.



## **39 Appointment of Constitutional Bodies**

- 1 The Council shall:
  - a) At the Annual Meeting appoint such Bodies as they are required to appoint by or under any statute or under Procedure Rule 40 and may at any time appoint such other Bodies, as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf;
  - b) Not appoint any Member of a Body whether elected or co-opted to hold office later than the last day before a Local Government Election, subject to Procedure Rule 12 4 above.
- 2 Receive a report from the Leader on the names of the Councillors chosen to be members of the Cabinet.
- 3 The Council may at any time dissolve a Committee, or alter its Membership.
- 4 The Council may remove any officeholder by way of a vote following a Notice of Motion carried by a majority of all Serving Member of Council.

[↑](#)

## **40 Terms of Reference and Delegation to Constitutional Bodies**

Subject as otherwise provided by Statute or a Scheme made under statutory authority, the Terms of Reference and Delegation to Bodies of the Council shall be such as may be determined from time to time by the Council, after considering where appropriate a recommendation from the Cabinet.

[↑](#)

## 41 Family Absence for Councillors

The Local Government (Wales) Measure 2011 (as amended) provides Councillors with legal entitlement to periods of Family Absence. The Local Authorities (Wales) Regulations 2013 require Local Authorities to have standing orders securing requirements contained within Regulations 38 and 39.

- a) A Councillor on maternity absence or parental absence may, subject to paragraphs 41b) to 41f) below:
  - i) Attend particular meetings;
  - ii) Attend particular descriptions of meetings;
  - iii) Perform particular duties; or
  - iv) Perform duties of a particular description.
- b) The Councillor must obtain the permission of the Chair of Council (Presiding Member) before attending any meeting or performing any duty.
- c) The Chair of Council (Presiding Member), must inform the Leaders of each Political Group of the Council before granting permission under paragraph 41b) above.
- d) A Councillor may complain in writing to the Head of Democratic Services regarding a refusal of permission under paragraph 41b) above.
- e) The Head of Democratic Services must refer a complaint under paragraph 41d) above to the Chair of Council (Presiding Member).
- f) The Family Absence Complaints Committee must determine a complaint made under paragraph 41d) above.
- g) The Family Absence Complaints Committee may:
  - i) Confirm the decision of the Chair of Council (Presiding Member) made under paragraph 41b) above; or
  - ii) Substitute its own decision as to the Councillor attending any meeting or performing any duty.
- h) For Maternity Absence or Parental Absence the duties applicable shall be those determined by the Chair of Council (Presiding Member) or the Family Absence Complaints Committee (in the event of an appeal). For all other types of family absence it shall be such duties as the individual Councillor concerned chooses to undertake in consultation with the Chair of Council (Presiding Member).

## 42 Speaking Rights at Planning Committee

- 1 Members of the public, Community Councils, residents groups and amenity groups and applicants and their agents have the right to address the Planning Committees in relation to planning applications. These speaking rights can only be exercised in accordance with the terms of this CPR. Speaking rights may only be exercised if prior notification of the intention to speak has been received by the Democratic Services team by 12 noon on the working day prior to the committee meeting.
- 2 At any meeting of the Planning Committee where applications are being considered, when indications have been received that a person wishes to exercise their speaking rights, the applications where there are speakers should be dealt with in the following order:
  - a) The Chair of the Committee will introduce the item;
  - b) The Planning Officer will provide information on the nature of the application and the material considerations, together with the presentation of images of plans and elevations submitted with the application and photos where relevant describing the proposed development. In respect of this, it is to be the practice that photos will be taken on Committee Site Visits at the request of Committee Members for display at the subsequent Committee meeting;
  - c) Objectors/Interested Parties to the application (including individuals, petitioners, Community Councils and amenity groups) can address the meeting for a maximum of 5 minutes in total between them, however many objectors there are.
  - d) Applicants and/or their agents and any supporters of an application can address the meeting for a maximum of 5 minutes in total between them, however many supporters there are. This rule also applies to any application made by the Council;
  - e) The Members of the Committee shall debate the application with questions to officers. If any member of the Committee wishes to clarify a point of fact with any speaker who has addressed the Committee they may at the end of the speaker's presentation ask the Chair to put a question to the speaker;
  - f) The Planning Officer will comment/answer questions on any relevant issues raised by any speakers and Members, provide any updates on the information contained in the report to Committee and advise Committee as to the material considerations and relevant issues to be taken into account with regard to the application;
  - g) If necessary, amendments to the recommendation are put to the meeting, and voted on where appropriate;
  - h) Committee will vote on the officer recommendation;
  - i) Recommendation accepted or rejected. When the latter occurs, then the provisions of the two stage voting protocol are to be followed.
- 3 No speaker will be able to ask questions of any other speaker, or to any officer or to any member of the Committee.
- 4 All speakers must refer only to planning matters relevant to the application under discussion and if any speaker starts to raise any irrelevant matters the Chair of

the Committee can ask them to stop speaking and/or to speak only on relevant matters.

- 5 The Chair of the Committee can (with the consent of the Committee) vary the time allowed for speakers to address Committee so long as a consistent time is allowed for all speakers to address Committee.
- 6 The Chair of the Committee can (with the consent of the Committee) vary the order in which speakers will address Committee as set out in CPR 41 2 c and d above.
- 7 If a matter is deferred/withdrawn/deferred for a site visit, speakers will not be able to speak until the matter comes back to Committee.

[↑](#)

### **43 Variation and Revocation of Procedure Rules**

Any motion to vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council except when such motion is contained in a recommendation from Cabinet when it may be dealt with by the Council forthwith or at their discretion provided that at least one half of the whole number of the Council shall be present at the meeting of the Council where such motion is discussed.



### **44 Suspension of Procedure Rules**

- 1 Subject to Procedure Rule 43.2, any Procedure Rule may be suspended so far as regards any business at the meeting where its suspension is moved, unless specifically forbidden by action of Statute;
- 2 A motion to suspend Procedure Rules shall not be moved without notice (ie under Procedure Rule 17 6) unless there shall be present at least one half of the whole number of the Members of the Council Body.



### **45 Procedure Rules to be given to Members**

A printed copy of these Procedure Rules and of such parts of the Local Government Act, 1972, as govern the Procedure at meetings of the Council shall be given to each Member of the Council upon delivery to her/him of the Members' declaration of acceptance of office on the Member being first elected to the Council.



### **46 Interpretation / Amendment of Procedure Rules**

- 1 The Interpretation Act, 1978 or any statutory re-enactment thereof shall apply to these Orders and the supplementary orders concerning Contracts, Terms of Reference and Financial Procedure Rules as though these were an Act of Parliament.
- 2 The Monitoring Officer may cause to be issued or amended such written amendments, interpretations and Codes of Practice as are necessary to secure the effective operation of these Procedure Rules. Such interpretations and Codes of Practice shall be complied with as if they form part of these Procedure Rules.



## 47 Co-opted Members

Other than provided to the contrary by statute or in the resolution authorising their appointment or in respect of appointees to the Standards Committee, persons co-opted to the Council or to a Committee thereof shall while attending meetings be treated in all respects as though they were elected Members of the Committee save that they shall not:

- a) Count towards a quorum;
- b) Vote on any motion authorising the expenditure of money or the incurring of expense by the Council;
- c) Be eligible to serve as a Chair or Vice-Chair of any Committee of the Council;
- d) Vote on any motion as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of any person employed by the Council.



## 48 Members Attending Meetings

Where a Member who is not a Member appointed to that Body is invited by or is otherwise given the opportunity by the Chairman to attend a meeting of a Body then that Member shall:

- a) Attend only if it is lawful to do so as directed by the Chair;
- b) Have the right to speak to any item if called by the Chair but not to vote.
- c) Councillors are entitled to remain during the consideration of exempt reports and not be excluded from the meeting.

### Note:

For the avoidance of doubt such a Member shall not have the right to move or second a motion, nor shall they count towards establishing a quorum.

If Members attend in accordance with this Procedure Rule they have no right to speak or vote, but must nevertheless declare any interest in accordance with Procedure Rule 16.



## 49 Welsh Language

In all proceedings of the Council, the Welsh Language and English Language shall have the same status and validity.



## 50 ~~Remote Attendance at Meetings~~

~~The Local Government (Wales) Measure 2011 provided for Remote Attendance at meetings.~~

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Council at its meeting on 12 August, 2014, resolved that the provision of Remote Attendance not be implemented at this time. [↑](#)