

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Democratic Services Committee
DATE:	29 November, 2023
REPORT TITLE:	The Council's Constitution
PURPOSE OF THE REPORT:	To make recommendations to full Council
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1. INTRODUCTION

The Local Government Act 2000 required all principal councils to adopt and maintain a constitution, describing their structures, processes and division of responsibilities.

Our Constitution was adopted in 2001 and has been frequently updated and revised to take into account changing legal requirements or new local arrangements.

The [Constitution](#) was most recently updated on 27/10/2023.

All constitutions consist of elements fixed by legislation and elements which are a matter of local choice, such as the number, membership and terms of reference of our committees or our senior officer management structure.

To support principal councils in devising their constitutions a Model Constitution was published by Welsh Government in 2001.

Recently funding was provided by Welsh Government, to the WLGA, to commission a new Model Constitution. This work was commissioned by the WLGA from Browne Jacobson LLP ("BJ"). The purpose of creating a new model constitution was partly to ensure that existing constitutions are up to date, but also to simplify the language (Cymraeg Clir / Plain English), the order and numbering of the documents to make them more accessible to the public.

2. PURPOSE OF THIS REPORT

All material changes to our Constitution must be approved by the full Council.

However, more detailed consideration is often required and, to that end, the terms of reference of the Democratic Services Committee have recently been changed to enable your Committee to make recommendations to Council when more than one option is available.

To that end, you are being asked to consider the two enclosures to this Report. **Enclosure 1** is the draft version of Sections 1-4 of the proposed new Constitution and **Enclosure 2** highlights the material differences between our existing arrangements and proposals for change. It will be necessary to individually consider each proposed change, with those likely to generate the most discussion identified in red boxes.

It is intended that the next tranche of changes will be considered by the Democratic Services Committee at its next meeting on 20/03/2023.

When the Committee has completed this work a single new draft will be presented to Council for approval.

3. RECOMMENDATIONS

The Committee is asked to:-

1. Endorse in principle the work of revising/refreshing the Council's Constitution to bring it in line with the new national Model.
2. To confirm that the Committee is satisfied with the style/language/order/numbering of the new draft document at **Enclosure 1**.
3. To make recommendations to full Council in relation to each of the 25 proposed changes set out in **Enclosure 2**

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SECTION 1

1. INTRODUCTION

1.1 Purpose and Content of the Constitution

- 1.1.1 The Constitution describes the various bodies which make up the Council, their functions, membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we advise the public and councillors on how to get information about the Council, and how to get involved. We hope that this will help those who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including full Council, Cabinet, Corporate Scrutiny Committee, Partnership and Regeneration Scrutiny Committee, Standards Committee and Regulatory Committees. Section 12 provides information on the management and officer structures of the Council. Some officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 14 says which Council bodies, and which officers, have authority to make which decisions.
- 1.1.4 The procedural rules which apply to the different Council bodies are contained in the sections relating to those bodies, eg full Council (Section 4), the Cabinet (Section 5) and Scrutiny (Section 7). You may find these useful if you want to attend a meeting and, in some cases, speak at a meeting.
- 1.1.5 Sections 19 to 21 have the Codes of Conduct and Protocols with which officers and councillors are required to comply. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where it may be found.

1.2 How the Council Operates

- 1.2.1 The Council is comprised of 35 councillors elected every five years. Each councillor is democratically accountable to the residents of their ward as well as having a shared corporate responsibility to all of those who live on the Island of Anglesey. The overriding duty of councillors is to the whole community, but they have a special duty to their electorate, including those who did not vote for them.
- 1.2.2 All councillors must follow a Code of Conduct, to ensure high standards in the way they undertake their work. The Standards Committee is responsible for training and advising on the Code of Conduct.
- 1.2.3 All councillors meet together regularly as the full Council. Meetings of the Council are usually open to the public. At these meetings councillors decide the Council's overall Policy Framework (the overriding policies which direct the Council's strategy) and set the annual Budget. The Council appoints the Leader of the Council for the duration of the term of the Council. The Leader then decides the membership of the Cabinet and the responsibilities of each member of the Cabinet as well as any arrangements for the exercise and delegation of Cabinet functions.

- 1.2.4 The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, provided Cabinet decisions are within the Budget and Policy Framework set by the full Council.
- 1.2.5 The Council operates two scrutiny committees, which review the performance of the Council and external partners, as well as acting as advisors on some proposed Cabinet decisions and/or challenging decisions made by Cabinet.
- 1.2.6 Other Council committees (sometimes called regulatory committees) make decisions in particular areas of expertise such as planning or licensing; or carry out functions set out in statute; like the Standards Committee or the Governance and Audit Committee.
- 1.2.7 The Council has people working for it, referred to as 'officers', to give advice, implement decisions and manage the day-to-day delivery of services.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available [*insert hyperlink or other information about how to obtain a copy of the Constitution Guide*].

SECTION 2

2. PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

- 2.1.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 2.1.2 support the active involvement of citizens in the process of Council decision making;
- 2.1.3 help councillors represent their electorate more effectively;
- 2.1.4 enable decisions to be taken efficiently, effectively and transparently;
- 2.1.5 create an effective means of holding decision makers to public account;
- 2.1.6 ensure that no one will scrutinise a decision which they made or influenced;
- 2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

- 2.2.1 The Constitution of the Council is this document (Sections 1 to 24).
- 2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

“Budget”	the overall revenue (ongoing expenditure) and capital (individual projects) budget approved by full Council every year (Section 4);
“Chief Executive”	an officer who must be appointed by law to carry out certain functions. See Section 12 for more details.
“Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: <ul style="list-style-type: none">• report directly to the Chief Executive in respect of all or most of their duties; or• for whom the Chief Executive is directly responsible;
“Constitution Guide”	a document which explains, in plain language, the content of this Constitution.
“Co-Opted Member”	a person appointed by the Council to serve on one of its Member Bodies; sometimes chosen by the Council through a public selection process and sometimes nominated by those organisations whom they represent; for example, representative school governors / community councillors.

“Corporate Joint Committee”	comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See section 11 for details of the Corporate Joint Committee of which the Council is a member, and the functions which the Corporate Joint Committee performs.
“Leadership Team”	the senior management body of Directors (Section 12). It comprises officers designated by Council from time to time as members of the Leadership Team;
“Council”	the Isle of Anglesey County Council
“Councillor”	a person elected to the Council to represent an area (called an electoral division or ward) within the Isle of Anglesey;
“Councillors”	the 35 councillors elected to the Council
“Data Protection Legislation”	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data as amended from time to time
“Cabinet”	the main political decision making body of the Council appointed by and accountable to the Leader of the Council. With the authority of the Leader, individual members of the Cabinet may make decisions within areas of responsibility designated to them by the Leader. The Cabinet may consist of no more that 10 councillors, including the Leader;
“Executive Decision”	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by the Leader, or Cabinet member/s, as well as any such decision/s delegated to an officer by the Leader or a member of the Cabinet;
“Executive Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable by full Council or delegated to a committee, or officer, is an Executive Function.</p> <p>(b) Some contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions; provided such decisions comply with the overall Policy Framework and Budget set by full Council.</p>
	<p>It should be noted that some regulatory functions are specifically excluded by law from being Executive Functions. These include planning, licensing and building control, and the appointment/dismissal of officers;</p>
“Forward Work	the Forward Work Programme is a document which lists all the decisions which the Cabinet intends to take

Programme”	and what business the scrutiny committees will be considering and when those matters will be discussed. It also lists any recommendations the Cabinet intends to make with regard to decisions which must be made by the full Council. The fact that a decision has not been included in the Forward Work Programme does not prevent urgent or unforeseen matters being considered;;
“Full Council”	the body where all councillors act to exercise functions of the Council;
“Local Choice Functions”	there are some decisions / responsibilities which the Council may treat as being the responsibility of the Cabinet or as matters for full Council. These are a matter of local discretion;
“Member”	either an elected councillor or a co-opted member; being a person chosen/appointed by the Council to serve on one of its Member Bodies called “a Co-Opted Member” and;
“Member Body”	including the following: <ul style="list-style-type: none"> • Full Council; • Cabinet; • Scrutiny Committees; • Appeals Committee; • Appointments Committee • Democratic Services Committee • Governance and Audit Committee • Licensing Committee; • Planning and Orders Committee • Standards Committee
	Note - references to Committee also includes Sub-Committee;
“Monitoring Officer”	an officer who must be appointed by law to carry out certain functions. See Section 12 for a description of those functions. The officer will usually have other duties and a different job title. See Section 12 for which officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by full Council (whether by local choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet or which is delegated by full Council to officers;
“Officer”	A member of staff employed by the Council to carry out its functions.
	a scheme prepared and published pursuant to section

“Petition Scheme”	<p>42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: -</p> <ul style="list-style-type: none"> • how a petition may be submitted to the Council; • how and when the Council will acknowledge receipt of a petition; • the steps the Council will take in response to a petition which it receives; • the circumstances in which the Council may take no further action in response to a petition; and • how and by when the Council will make available its response to a petition to the petition organiser and to the public.
“Planning Application”	<p>any of the following:</p> <ul style="list-style-type: none"> • application for planning permission (including renewal); • application for approval of reserved matters; • application for listed building consent; • application relating to trees; • proposal to serve an urgent works notice or acquire a listed building in need of repair; • application for conservation area consent; • application for advertisement consent; • application to vary or remove conditions on a planning condition;
“Policy Framework”	See Section 4.2;
“Public Services Board”	the public services board established for the Council’s local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;
“Section 151 Officer”	an officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 12 for a description of those functions. The officer will usually have other duties and a different job title. See Section 12 for which officer is the Section 151 Officer;
“Service”	one of the services provided by the Council;
“ Wellbeing Plan”	this is the plan created by the Public Services Board in each local authority area, having worked with other public bodies to assess the wellbeing of the area, with the aim of improving communities. .

2.3 **Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear as possible. Inevitably, people will have different views about what certain passages mean.

- 2.3.2 During meetings, the person chairing the meeting will interpret the relevant procedure rules.
- 2.3.3 In all other situations, the Monitoring Officer will decide the interpretation and application of the Constitution.

2.4 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 17 of the Constitution and the Contract Procedure Rules set out in Section 8 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. The S151 officer shall report any amendments made to Sections 17 and 18 to the next available Council meeting for noting.

2.5 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution may be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

- 2.5.1 observe meetings of different parts of the member and officer structure;
- 2.5.2 undertake an audit trail of a sample of decisions;
- 2.5.3 record and analyse issues raised with them by members, officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 **Changes to the Constitution**

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the full Council after consideration of a proposal by the Monitoring Officer, or on recommendation of the Cabinet or the Democratic Services Committee.

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- (a) a minor variation; or
- (b) required to be made to remove any inconsistency, ambiguity or typographical correction; or
- (c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect.

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision; and there is no local choice. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Statutory amendments involving local choice (more than one option) shall be considered by the Democratic Services Committee which shall make a recommendation to Council.

2.7 **Suspension of the Constitution**

2.7.1 Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rule/s shall not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution, as set out in this Section.

2.8 **Publication**

2.8.1 The Monitoring Officer shall ensure that copies of this Constitution are made available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer shall ensure that copies of the Constitution Guide are available for inspection at Council offices and on the Council's website.

2.8.3 The Monitoring Officer shall provide a link to this Constitution to each councillor upon delivery to them of that individual's declaration of acceptance of office on the councillor first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.

2.8.4 The Monitoring Officer shall ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

2.9 **2.9 Presentation**

2.9.1 As a result of any changes made in accordance with paragraph 2.6, certain paragraphs of the Constitution may be deleted. Whilst the text will be removed from the published Constitution, the numbers will be retained so as to ensure continuity of numbering for the remainder of the document. This explains the appearance of the word "deleted" in certain places within this Constitution.

SECTION 3

3. GETTING INFORMATION AND GETTING INVOLVED

3.1 Getting Information

3.1.1 Information Available to Members of the Public

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council via Cyswllt Môn or via the website.

(b) *Forward Work Programme*

From the Forward Work Programmes, see what decisions will be taken by the Cabinet or Council and what issues the scrutiny committees will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

At least 3 working days before a meeting, the agenda and any available reports to be discussed, shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda shall be open to inspection from the time when the item is added to the agenda and any report shall be made available to the public as soon as possible and sent to councillors.

(d) *Information Available at a Meeting*

The Council will make available to members of the public who are physically present at a meeting, a reasonable number of copies of the agenda and any reports for the meeting (save during any part of the meeting to which the public is excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of meetings shall be available for inspection.

(f) *Council's Accounts*

The Public may inspect the Council's accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 201, the accounts shall be available for public inspection for twenty (20) working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 15.10.3 and 15.10.4) shall not be disclosed to members of the public.

3.1.2 Information Available to Councillors of the Council

(a) Councillors may see any information which is available to the public.

- (b) Additionally, a councillor may access any information which they need to know in order to properly perform their duties as a councillor of the Council (otherwise known as “need to know”). A councillor will not make public information which is confidential or exempt (as defined in Section 15) without the consent of the Council or divulge information given in confidence to anyone who is not entitled to the information.
- (c) Councillors shall also be entitled to see any report relating to:
 - (i) business transacted at a formal meeting of the Cabinet, including reports which are confidential or exempt
 - (ii) executive decisions taken by the Leader, an individual member of the Cabinet, including reports which are confidential or exempt;

3.1.3 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Chief Executive may see any papers or records held by any part of the Council or its officers. Other officers may see any information held by the Council provided:

- (a) they need to see the information to do their job; and
- (b) that information is processed lawfully in accordance with the Data Protection Legislation.

3.2 **Getting Involved**

3.2.1 The Council encourages its citizens to participate in the making of decisions by the Council. See the Council’s Public Participation Strategy [[LINK](#)].

3.2.2 Members of the Public

Members of the public may get involved in the following ways:

(a) *Voting for Councillors*

If the member of the public is over 16 years of age and registered as a local elector with the Council.

(b) *Reviewing the Forward Work Programme*

The Forward Work Programme includes details of the business to be considered by the Cabinet, scrutiny committees and the Council;

(c) *Suggesting Items of Business for Meetings*

A member of the public may seek to get a matter included on an agenda by asking one of their local councillors to submit a request to the Council’s Head of Democracy:

(d) *Submitting Petitions*

A member of the public may seek to raise a matter with the Council by submitting a petition in accordance with the Council’s Petition Scheme [[LINK](#)]. The petition

organiser shall be provided with an opportunity to address the Council or relevant committee if their petition is to be debated.

(e) *Taking Part in Meetings*

- (i) Members of the public may attend all formal Council, Cabinet and committee meetings (subject to the rules on the disclosure of confidential or exempt information).
- (ii) Members of the public may speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when members of the public may speak, and for how long, are contained in Section 4.

(f) *Views of the Public*

Under the arrangements put in place by the Council under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant scrutiny committee their views on any matter under consideration by that committee. The relevant scrutiny committee must take into account any views brought to its attention under these arrangements.

(g) *When are Meetings Open to the Public?*

Meetings shall be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 15.10 for relevant definitions)

(h) *Making Comments/Complaints*

- (i) A member of the public may comment, raise a concern or complain about Council services by:
 - (A) contacting one of their local councillors;
 - (B) contacting the member of the Cabinet responsible for the service;
 - (C) contacting the officer responsible for delivering the service or their manager;
 - (D) using the Council's complaints procedure [\[LINK\]](#);
 - (E) contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website www.ombudsman.wales.
- (ii) Comments or complaints may be made about an officer or member by:
 - (A) *Officer*
Contacting the officer or the officer's manager.
 - (B) *Councillors*

Contacting the Monitoring Officer or the Public Services Ombudsman for Wales (contact details at para (E) above).

3.3 **Getting Involved – Councillors**

Councillors may get involved by:

3.3.1 Suggesting Items of business for the agenda

- (a) In addition to requesting agenda items, councillors may submit a notice of motion to Council (Section 4) and/or ask questions (Section 4).
- (b) Any 5 councillors may submit a request for an extraordinary meeting of the Council to discuss a particular issue (**Section ???**)

3.3.2 **Participation**

Councillors of the Council are entitled to attend formal meetings of the Council, most of its committees or sub-committees and the Cabinet, even when confidential or exempt items are being considered.

- (a) Councillors of the Council may attend and speak at any meeting where they are a member of that body. Where they are not a member of that body, their right to speak is at the discretion of the chair of the body.
- (b) Councillors of the Cabinet have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

3.3.3 **Comments and Complaints**

- (a) Councillors may comment, subject to restrictions to their Code of Conduct (Section 19) on any aspect of Council business by:
 - (i) talking to officers;
 - (ii) talking to the Leader or members of the Cabinet;
 - (iii) talking to the chair of a scrutiny committees.
- (b) If a councillor wishes to complain about an:

- (i) **Officer**

The procedure set out in the Protocol on Member/Officer Relations may be used (Section 22).

- (ii) **Councillor**

The procedure set out in Appendix 3 to Section 19 may be followed.

SECTION 4

4. FULL COUNCIL

4.1 Introduction

The full Council is a formal meeting of all councillors. The full Council is required by law to take certain important decisions including setting the Council's Annual Budget (including the council tax) and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to committees or named officers.

4.2 The Policy Framework

The Policy Framework means the following plans and strategies:

4.2.1 Those required by law to be adopted by the Council, i.e.

- Annual Delivery Document (Improvement Plan)
- Annual Performance Report (Improvement Plan)
- Annual Schedule of Member Remuneration following receipt of the Independent Remuneration Panel for Wales Annual Report
- Approval of a Population Needs Assessment, which is to be prepared under the Social Services and Wellbeing (Wales) Act 2014
- Childcare Sufficiency Plan
- Corporate Plan
- Gambling Policy
- Gwynedd and Môn's Wellbeing Plan
- Licensing Policy
- Local / Regional Transport Plans
- Panel Performance Assessment
- Pay Policy Statement
- Pay Scales of Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended from time to time))
- Petitions Scheme
- Plans and alterations which together comprise the Joint Local Development Plan (except those functions which are delegated to the Planning Policy Committee)
- Public Participation Strategy
- The Council's Well-being Statement and Objectives (in accordance with the Well-Being of Future Generations (Wales) Act 2015)

4.2.2 Those other plans and strategies which are recommended to be adopted by the full Council as part of the Policy Framework, i.e. -

- Local Housing Strategy

4.2.3 Those other plans and strategies which full Council has decided should be adopted as a matter of local choice, i.e.

- Area of Outstanding Natural Beauty Management Plan

- Indemnities Policy
- Contaminated Land Strategy
- Corporate Asset Management Plan
- Cycling Strategy
- Marine Port Safety Plan
- Rights of Way Improvement Plan
- Road Safety Plan
- Waste Management Strategy
- Welsh Language Policy

4.3 **The Single Integrated Plan**

This replaces four plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

4.4 **The Budget**

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax (excluding the responsibility in relation to the Council Tax Discretionary Relief Policy which lies with the Cabinet) and decisions relating to the control of the Council's borrowing requirement, the Treasury Management Strategy, the control of its capital expenditure and the setting of virement limits. The full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council may change the Policy Framework or Budget referred to it for approval by the Cabinet.)

4.5 **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

4.6 **Functions of the Full Council**

Only the full Council may exercise the following functions:

- 4.6.1 adopting and changing the Constitution, subject to paragraph 2.6;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;
- 4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 15 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- 4.6.4 appointing and removing the Leader;
- 4.6.5 agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;

- 4.6.6 performing the corporate joint committee functions set out in Section 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- 4.6.7 changing the name of the area, the County or a community;
- 4.6.8 conferring the title of honorary alderman or to admit to be an honorary freeman;
- 4.6.9 making or confirming the appointment of the Chief Executive and Deputy Chief Executive following a recommendation by the Appointments Committee;
- 4.6.10 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- 4.6.11 dissolving community councils;
- 4.6.12 making orders for grouping communities;
- 4.6.13 making orders for dissolving groups and separating community council from groups;
- 4.6.14 dividing the constituency into polling districts;
- 4.6.15 dividing electoral divisions into polling districts at local government elections;
- 4.6.16 petitioning for a charter to confer county borough status;
- 4.6.17 requisitioning sewers and pumping stations on behalf of Council;
- 4.6.18 adopting a Members' Allowance Scheme;
- 4.6.19 proposing to change the Council's voting system;
- 4.6.20 exercising the Council's powers under sections 164-165, 168-171 and 176 of the Transport Act 2000 in relation to road user charging, and sections 179-180, 182-183 and 185-188 of the Transport Act 2000 in relation to workplace parking levy schemes subject to the approval of the Welsh Ministers;
- 4.6.21 making an order identifying a place or a designated public place for the purposes of police powers in relation to alcohol consumption under the Criminal Justice and Police Act 2001;
- 4.6.22 deciding if it should make a merger application to the Welsh Ministers under the Local Government and Elections (Wales) Act 2021;
- 4.6.23 all Local Choice Functions set out in Section 14 of this Constitution / paragraph 4.2.3 which the Council decides should be undertaken by itself rather than the Cabinet;
- 4.6.24 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief Executive, determining the level (and any change in the level) of remuneration to be paid to a Chief Officer and approving the Pay Policy Statement;
- 4.6.25 appointing representatives to outside bodies, except for inter year vacancies which shall be appointed by the Chief Executive after consultation with group leaders /

unaffiliated members, or when the appointment must be made from among members of the Cabinet; in which case such appointments shall always be made by the Leader);

- 4.6.26 approving, reviewing and amending the Council's Petition Scheme;
- 4.6.27 consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
- 4.6.28 preparing an annual report on the extent to which the Council has met its performance requirements;
- 4.6.29 making arrangements for a panel performance assessment and responding to the panel's report;
- 4.6.30 reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance issued by the Welsh Government;
- 4.6.31 considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of their being made;
- 4.6.32 considering annual reports received from the Standards Committee, within 3 months of their being made; and
- 4.6.33 keeping under review the extent to which the Council:
 - (a) is exercising its functions effectively;
 - (b) using its resources economically, efficiently and effectively; and
 - (c) its governance arrangements are effective for securing the matters set out in a) and b) above.

4.7 **Membership**

All councillors shall be members of full Council.

Substitution is not possible at meetings of the Council.

Chairing the Council

- (a) The councillor elected annually by the Council as its chair shall be called the "Chair".
- (b) The Chair shall cease to be Chair if they resign, cease to be a member of the Council, or are unable to act as a member of the Council. They continue to act as Chair after an election until their successor has been appointed at the annual meeting of the Council.
- (c) A chair and vice-chair is eligible for re-election.

Role and Function of the Chair

The Chair of the Council, and in their absence, the Vice Chair shall have the following roles and functions:

(a) *Ceremonial Role*

The Chair of the Council:

- (i) is the civic leader of the Isle of Anglesey County Council;
- (ii) promotes the interests and reputation of the Council and the Isle of Anglesey as a whole and acts as an ambassador for both;
- (iii) undertakes civic, community and ceremonial activities and fosters community identity and pride; and
- (iv) attends such civic and ceremonial functions as the Council and the Chair consider appropriate

(b) *Responsibilities of the Chair*

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business may be carried out fairly and efficiently and with regard to the rights of councillors and the interests of the community;
- (iii) to ensure that Council meetings are a forum for the debate of matters of concern to the local community and the place at which councillors who are not members of the Cabinet are able to hold the Cabinet and committee chairs to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council; and
- (vi) to carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (2.5.1.2.7)

4.8 Council Meetings

There are three types of Council meeting:

- 4.8.1 the annual meeting;
- 4.8.2 ordinary meetings; and
- 4.8.3 extraordinary meetings.

4.9 Rules of Procedure and Debate

The Council Procedure Rules contained in the Sections below will apply to meetings of the full Council.

4.10 **Council Procedure Rules – Annual Meeting of the Council**

4.10.1 Timing and Business

4.10.1.1 In a year when there is an ordinary election of councillors (“**Election Year**”), 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 (“**Ordinary Year**”).

4.10.1.2 In any Ordinary Year, the annual meeting will deal with all matters listed in 4.10.1.4 and 4.10.5 unless otherwise stated.

4.10.1.3 The annual meeting will:

- (a) elect a person to preside if the Chair and Vice Chair of the Council are not present;
- (b) elect the Chair of the Council;
- (c) elect the Vice Chair of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chair and/or the Chief Executive;
- (f) receive any announcements from group leaders with the approval of the Chair; such approval having been agreed in advance of the meeting;
- (g) In an Election Year only, elect the Leader of the Council,;
- (h) the Leader to inform Council of the name of the Deputy Leader/s;
- (i) the Leader to inform Council of the number of councillors appointed to the Cabinet and the names of those councillors;
- (j) elect the Chair of the Democratic Services Committee;
- (k) appoint the scrutiny committees and such other committees and sub-committees as the Council considers appropriate, or are required by law, to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 14 of this Constitution);
- (l) agree the Scheme of Delegation to officers (as set out in Section 14 of this Constitution);
- (m) approve a programme of ordinary meetings of the Council for the year; and
- (n) consider any business set out in the notice calling the meeting.

4.10.2 Appointment of Councillors to Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees and sub-committees to establish for the municipal year;

- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) confirm the list of appointments to outside bodies except where the councillors must be from among the Cabinet, in which case such appointments shall be made by the Leader.

4.11 **Ordinary Meetings**

Ordinary meetings of the Council shall 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:

- 4.11.1 elect a person to preside if the Chair and Vice Chair are not present;
- 4.11.2 approve the minutes of the last meeting;
- 4.11.3 receive any declarations of interest from members or officers;
- 4.11.4 receive any announcements from the Chair and/or the Chief Executive;
- 4.11.5 elect the Chair of the Council
- 4.11.6 receive any report/s from the Leader and receive questions and answers on the report/s;
- 4.11.7 receive any report/s from any member/s of the Cabinet and receive questions and answers on the report/s;
- 4.11.8 receive report/s from the Council's committees and receive questions and answers on those reports;
- 4.11.9 receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
- 4.11.10 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the scrutiny committees;
- 4.11.11 consider motions on notice; and
- 4.11.12 deal with questions from members in accordance with Rule 4.16.
- 4.11.13 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.
- 4.11.14 Presentation of Petitions
 - (a) At Ordinary Meetings of the Council any councillor may present a petition, signed by persons other than councillor. The public may submit petitions about matters for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest

A councillor 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 the petition is to be presented.

The presentation of a petition shall be limited to no more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit. Following the presentation the subject matter of the petition shall be referred without discussion to the Cabinet, a committee, or to a named officer of the Council unless, in the view of the Chair, the subject matter may properly be dealt with under another item on the agenda of the current Meeting.

Petitions shall be presented in the order in which notice of them is received by the Chief Executive.

- (b) At ordinary meetings of the Council a petition organiser may present any petition on the agenda which has been submitted under the Council's Petitions Scheme **LINK**. The petition organiser shall be permitted five minutes to present their petition prior to debate by councillors.

4.11.15 deal with any business left outstanding from the last Council meeting;

4.11.16 **Extraordinary Meetings**

4.11.17 Calling Extraordinary Meetings

The Chief Executive may call extraordinary meetings of the Council in addition to ordinary meetings. Those listed below may require the Chief Executive to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Chair of the Council (or the Vice-Chair if the office of Chair is vacant or the Chair is not available);
- (c) the Monitoring Officer;
- (d) any five councillors if they have signed a request, specifying the nature of the business, and presented it to the Chair of the Council (or the Vice-Chair if the office of Chair is vacant or the Chair is not available) and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the submission of the request.

4.11.18 Business At Extraordinary Meetings

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 transacted for the efficient discharge of the Council's business.

4.12 **Time, Place and Duration of Meetings**

4.12.1 Time and Place of Meetings

- (a) The time and place of meetings shall be decided by the Chief Executive and notified in the summons.
- (b) Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the summons shall also include details of how to access the meeting by remote means.

4.12.2 Duration of Meetings

At any meeting of the Council, when three hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the disposal of the item of business being considered at the time, unless the majority of those present vote for the meeting to continue. If necessary, remaining business shall be considered at a time and date fixed by the Chief Executive. If circumstances permit, the Chief Executive may determine that this shall be at the next ordinary meeting.

4.13 **Notice of and Summons to Meetings**

- 4.13.1 The Chief Executive shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 15. At least three clear days before a meeting, the Chief Executive shall send a summons authenticated by them to every councillor. The summons shall give 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 meeting by remote means. The summons will also specify the business to be transacted and shall be accompanied by such reports as are available.
- 4.13.2 Summons shall be sent to councillors at their nominated electronic address. If a councillor requires their summons to be sent to them on paper, the councillor must send a written request, including details of their nominated postal address, to the Chief Executive. Any summons addressed to the member and left at or sent by post to that address shall be deemed sufficient service of the summons.
- 4.13.3 Want of service of a summons on any member of the Council shall not affect the validity of a meeting or any decision taken.

4.14 **Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committees and sub-committee meetings, references to the Chair should instead be read as references to the chair of that committee or sub-committee.

4.15 **Quorum**

- 4.15.1 Unless specified to the contrary elsewhere in this Constitution, the quorum of a meeting shall be one quarter of the whole number of councillors. During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting shall adjourn immediately. Remaining business shall be considered at a time and date fixed by the Chief Executive. If circumstances permit, the Chief Executive may determine that this shall be at the next ordinary meeting. If they do not fix a date, the remaining business shall be considered at the next ordinary meeting.
- 4.15.2 If a councillor is on family absence leave, and it would be difficult to replace that councillor on a temporary basis, the Chair of the Council may request that councillor

to attend a meeting if it might otherwise be inquorate. The councillor is not obliged to attend.

4.15.3 Remote Attendance

4.15.4 Councillors will be regarded as present at a meeting when they attend that meeting by remote means, in accordance with the Council's arrangements for multi-location meetings, providing that they can speak to, hear, and be heard, by other attendees at the meeting.

4.15.5 For the purposes of section 4.15.4, attendance "by remote means" means attendance in a different physical location from that of other participants and participating through an online meeting platform.

4.16 **Questions by Councillors**

4.16.1 On Reports of the Leader, Cabinet or Committees

A councillor may ask the Leader, Cabinet member or the chair of a committee any question without notice arising directly from an item of a report of the Leader, Cabinet or a committee, when that item is under consideration by the Council, but only when the person to whom the question is to be put is the author or co-author of such report or the councillor with primary responsibility for the subject of the report.

4.16.2 Questions on Notice at full Council

Subject to Rule 4.16.4, a councillor may ask:

- (a) the Chair;
- (b) the Leader;
- (c) a member of the Cabinet; or
- (d) the chair of any committee or sub-committee;

any question about matters for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest

4.16.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.16.4, a member of a committee or sub-committee may ask the chair of it a question on any matter for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest

4.16.4 Notice of Questions

A councillor may ask a question under Rule 4.16.2 or 4.16.3 if either:

- (a) they have given at least 5 clear working days' notice in writing of the question to the Chief Executive and the notice of the question is signed by the councillor; or
- (b) the question relates to urgent matters, as agreed by the Chair, and they have the consent of the councillor to whom the question is to be put and the content of the

question is given to the Chief Executive in writing and signed by the councillor by noon on the day before the meeting. Written notice of questions will be accepted in hard copy or from a councillor's Council email account.

4.16.5 Maximum Number of Questions

A councillor may ask only one question under **Rule 4.16.2 or 4.16.3**. The maximum number of questions which may be asked at any meeting of the Council is 10 and if the number of questions exceeds 10 only the first 10 questions received by the Chief Executive shall be published on the agenda. Any questions remaining unanswered shall be resubmitted to the Chief Executive for the next Council meeting.

4.16.6 Order of Questions

The first 10 questions of which notice has been given under **Rule 4.16.2 or 4.16.3** shall be listed on the agenda in the order received by the Chief Executive.

4.16.7 Content of Questions

Questions under **Rule 4.16.2 or 4.16.3 must**, in the view of the Chief Executive:

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy; (?)
- (c) not relate to questions of fact; (?)
- (d) not relate to information which is already in the councillor's possession or which has been published, either in a committee report, or otherwise;
- (e) relate to a matter for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest;
- (f) not be of a personal nature or critical of the motives or personal character of others.

4.16.8 Response

An answer may take the form of:

- (a) a direct verbal answer at the meeting;
- (b) where the desired information is in a publication of the Council, or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given verbally, a written answer circulated to all councillors within a reasonable period after the meetings, and shall be published on the Council's website. They shall be added in due course to the minutes of the meeting.

4.16.9 Supplementary Question

4.18.9.1 A councillor asking a question on notice, under **Rule 4.16.2 or 4.16.3**, may ask one supplementary question without notice of the councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

4.18.9.2 The Chair shall have absolute discretion in deciding whether any supplementary question is appropriate; and where relevant they shall give an explanation why any supplementary question is inappropriate

4.16.10 Length of Speeches

A councillor asking a question under **Rule 4.16.2 or 4.16.3** and a councillor answering such a question may speak for no longer than 5 minutes unless the Chair consents to a longer period.

4.16.11 Time Allowed for Questions at Council Meetings

- (a) The time allowed for consideration of questions (on notice) submitted under Rule **4.16.2** shall not, without the consent of the Council, exceed 60 minutes.
- (b) At the conclusion of the answer to the question under consideration at the expiry of 60 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chair shall conclude the Agenda item without further discussion.
- (c) Any remaining questions on the Agenda shall receive a written response to all members and shall be published on the Council's website within a reasonable period. They shall be added in due course to the minutes of the meeting.

4.17 **Motions on Notice**

4.17.1 Notice

Except for motions which may be moved without notice under **Rule 4.18** and in cases of urgency, written notice of every motion, must be delivered to the Chief Executive not less than 5 clear working days before the Council meeting at which it is to be considered.

4.17.2 Motions Set Out in Agenda

Motions for which notice has been given shall be listed on the agenda in the order in which the notice was received by the Chief Executive.

4.17.3 Scope

Motions must be about matters for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest.

4.17.4 Motion to Remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by at least 9 councillors and which include councillors from at least two political groups. See Section 6.3.2.
- (b) In order for such a motion to be carried it must have the support of at least two thirds of those councillors voting and present at the time the question is put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

4.17.5 One Motion per Councillor

No councillor may give notice of more than one motion for any Council meeting, except with the consent of the Chief Executive.

4.17.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 60 minutes. At the conclusion of the speech being delivered at the expiry of 60 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
- (c) otherwise, the Chair shall allow the mover of the motion to exercise their right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

4.18 **Motions without Notice**

The following motions may be moved without notice:

- 4.18.1 to appoint a Chair for the meeting;
- 4.18.2 in relation to the accuracy of the minutes;
- 4.18.3 to change the order of business on the agenda;
- 4.18.4 to refer something to an appropriate body or individual;
- 4.18.5 to establish a committee / sub-committee / working group to consider an item on the summons for the meeting;
- 4.18.6 to receive reports from the Leader, Cabinet, Cabinet member/s, committees or officers and to pass resolutions thereon;
- 4.18.7 to withdraw a motion;
- 4.18.8 to amend a motion;
- 4.18.9 to proceed to the next business;
- 4.18.10 that the question be now put;
- 4.18.11 to adjourn a debate;
- 4.18.12 to adjourn a meeting;

- 4.18.13 to suspend a particular Council Procedure Rule;
- 4.18.14 that the meeting continue beyond 3 hours in duration;
- 4.18.15 to exclude the press and public in accordance with the Access to Information Procedure Rules;
- 4.18.16 to not hear further from a councillor named under Rule 4.25.3 or to exclude them from the meeting under Rule 4.25.4;
- 4.18.17 to give the consent of the Council where its consent is required by this Constitution.
- 4.18.18 Rules of Debate
- 4.18.19 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

4.18.20 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

4.18.21 Secunder's Speech

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

4.18.22 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order and no speech may exceed 5 minutes without the consent of the Chair.

4.18.23 When a Councillor may Speak Again

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation, and
- (g) in answer to a question as permitted by Rule 4.18

4.18.24 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert others; or
 - (iv) to insert words

as long as the effect of 4.18.24(a)(ii) to 4.18.24(a)(iv) is not to negate the motion.

- (b) 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.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) 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.

4.18.25 Alteration of Motion

- (a) A councillor 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.
- (b) A councillor 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.
- (c) Only alterations which might be made as an amendment may be made.

4.18.26 Withdrawal of Motion

A councillor 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 councillor may speak on a motion after the mover has asked permission to withdraw it unless permission is refused.

4.18.27 Right of Reply

- (a) 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.
- (b) 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.

- (c) The mover of the amendment has no right of reply to the debate on their amendment.

4.18.28 Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the Meeting continue beyond 3 hours in duration;
- (h) to exclude the press and public in accordance with the Access to Information Procedure Rules; and
- (i) to not hear further from a councillor named under **Rule 4.25.3** or to exclude them from the meeting under **Rule 4.25.4**.

4.18.29 Closure Motions

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor;
 - (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, they will give the mover of the original motion a right of reply and then put the procedural 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, 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 their 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.18.30 Point of Order

A point of order is a request from a councillor to the Chair to rule on an alleged irregularity in the procedure of the meeting. A councillor may raise a point of order at any time. The Chair must hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must specify 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 and not open to discussion.

4.18.31 Personal Explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate or to refute personal allegations. The ruling of the Chair on the admissibility of a personal explanation shall be final and not open to debate.

4.19 **State of the County Debate**

4.19.1 Calling of Debate

The Leader shall call a state of the County debate annually on a date and in a form to be agreed with the Chair.

4.19.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.

4.19.3 Chairing of Debate

The debate will be Chaired by the Chair

4.19.4 Results of Debate

The results of the debate shall be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and any changes to the Policy Framework to the Council for the coming year.

4.20 **Previous Decisions and Motions**

4.20.1 Motion to Rescind a Previous Decision

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 9 councillors, except in the case of new information becoming available.

4.20.2 Motion Similar to One Previously Rejected

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 9 members. Once the motion or amendment is dealt with, no one may propose a similar motion or amendment for six months.

4.21 **Voting**

4.21.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors present in the meeting at the time the question is put.

4.21.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote. There will be no restriction on how the Chair exercises a casting vote.

4.21.3 Method of Voting

Unless a ballot or recorded vote is demanded under **Rule 4.21.5** or **Rule xxx** the Chair shall 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.

4.21.4 Ballots

The vote will take place by ballot if 9 councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

4.21.5 Recorded Vote

If 9 councillors present at the meeting [or for Committees and panels, one quarter of the total membership or three of those entitled to vote, whichever is greater] demand it, the names for and against the motion or amendment or abstaining from voting shall be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

4.21.6 Right to Require Individual Vote to be Recorded

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

4.21.7 Voting on Appointments

If there are more than two 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 fewest 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. The voting may take place by ballot if the Council so determines. If in any case there is an equality of votes for two or more candidates, then the Chair shall have a second or casting vote in accordance with **Rule xyz** above.

4.22 **Minutes**

4.22.1 Signing the Minutes

The Chair shall sign or authenticate the minutes of the proceedings at the next suitable meeting. The Chair shall move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that may be discussed is their accuracy.

4.22.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

4.22.3 Form of Minutes

Minutes shall contain all motions and amendments in the form and order the Chair put them.

4.23 **Record of Attendance**

All councillors physically present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. All councillors attending a meeting by remote means must email the Head of Democracy to confirm their attendance before the conclusion of every meeting.

4.24 **Exclusion of Public and Press**

Councillors of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution or **Rule 4.26** (Disturbance by Public).

4.25 **Councillors' Conduct**

4.25.1 Speaking at Meetings

When a councillor speaks at full Council they must address the meeting through the Chair. If more than one councillor signifies their intention to speak, the Chair shall ask one to speak. Other councillors must remain silent whilst another councillor is speaking unless they wish to make a point of order or a point of personal explanation.

4.25.2 Chair Speaking

When the Chair speaks during a meeting, any councillor speaking at the time must stop and give way to the chair.

4.25.3 Councillors not to be Heard Further

If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

4.25.4 Councillor to Leave the Meeting

If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.26 **Disturbance by Public**

4.26.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If they continue to interrupt, the Chair shall order their removal from the meeting room, or from the online platform by which they are accessing the meeting from another location.

4.26.2 Clearance of Part of Meeting Room

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

4.26.3 Clearance of Online Meeting Platform

If there is a general disturbance on the online meeting platform, the Chair may call for the online meeting platform to muted, temporarily suspended or closed. What measures are necessary to ensure the proper conduct of the meeting shall be at the absolute discretion of the Chair.

4.27 **Filming and Use of Social Media During Meetings**

Filming and use of social media by the public is permitted during meetings as long as there is no disturbance to the conduct of the meeting.

4.28 **Electronic Broadcasts of Meetings**

4.28.1 Meetings of the Council shall be broadcast live electrically on the Council's website so that members of the public not in attendance at the meeting may see and hear the proceedings. Copies of the meeting shall be available online for 365 days after the meeting.

4.29 **Suspension and Amendment of Council Procedure Rules**

4.29.1 Suspension

All of these Council Rules of Procedure except **Rule 4.17.4, 4.17.5, 4.21.6 and 4.22.2** may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension may only be for the duration of the meeting. Rule 4.17.54 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those councillors present and voting.

4.29.2 Amendment

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.

4.30 **Application to the Cabinet, Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only **Rules 4.12 to 4.15, 4.16 to 4.18.18, 4.20 to 4.30 (but not Rule 4.25.1)** apply to meetings of committees and sub-committees.

4.31 **Appointment of Substitute Members on Council Bodies**

4.31.1 Substitution cannot apply to Council meetings and shall not apply to meetings of the Cabinet, the Standards Committee, the Governance and Audit Committee, the Planning and Orders Committee or the Licensing Committee.

- 4.31.2 Subject to any other restrictions elsewhere in the Constitution, any councillor shall be permitted to act as a substitute on a Member Body.
- 4.31.3 The Head of Democracy shall allow a request from any political group leader to appoint a substitute as long as the substitute is from the same political group.
- 4.31.4 In order to be eligible to sit as substitutes on the Appointments Committee or Appeals Committee, councillors must have received formal training in the procedures and the law.
- 4.31.5 Substitutes shall have all the powers and duties of any other member of the committee but shall not be permitted to exercise any special powers or duties exercisable by the person they are substituting.
- 4.31.6 Substitutes may attend meetings in that capacity only:
- (a) to take the place of the councillor for whom they have been designated substitute;
 - (b) where the appointed councillor will be absent for the whole of the meeting; and
 - (c) where the relevant group leader has notified the Head of Democracy of the intended substitution at least one day before the start of the relevant meeting.

1

2.2 Definitions in the Constitution

“Cabinet” the main political decision making body of the Council appointed by and accountable to the Leader of the Council. With the authority of the Leader, individual members of the Cabinet may make decisions within areas of responsibility designated to them by the Leader. The Cabinet may consist of no more than 10 councillors, including the Leader;

Comments

- This wording comes direct from the new Model Constitution
- Move from Executive to Cabinet
- Affords a better understanding for the public of the high level role and responsibilities of the Cabinet
- Provides better transparency and accountability
- Brings us into line with all other principal Councils in Wales
- This proposal has the agreement of the Chief Executive

2

2.4 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. **The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 17 of the Constitution and the Contract Procedure Rules set out in Section 8 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. The S151 Officer shall report any amendments made to Sections 17 and 18 to the next available Council meeting for noting.**

Comments

- This wording comes direct from the new Model Constitution.
- For the first time, this would give the Section 151 Officer authority to change the Financial Procedure Rules and Contract Procedure Rules and report those changes to full Council. Clearly, any material changes, whether as part of a broader review, or any material ad hoc changes will be the subject of consultation with members.
- The Chief Executive and the Section 151 Officer have been consulted and agree this proposal.
- This would support the pace of change, as the Contract Procedure Rules are due to be revised and updated, although that work is outside the scope of this constitutional review.

3	<p>2.6 Changes to the Constitution</p> <p>2.6.1 Approval</p> <p>Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by full Council after consideration of a proposal by the Monitoring Officer, or on the recommendation of the Cabinet or the Democratic Services Committee.</p> <p>Comments</p> <ul style="list-style-type: none"> • The suggestion here is that constitutional changes may be submitted direct to Council from the Cabinet, or the Democratic Services Committee, or the Monitoring Officer. • The option of proposals from the Cabinet, or from the Monitoring Officer, to full Council is reflected in the new Model. I have included the Democratic Services Committee as an alternative route to reflect the Committee’s new terms of reference. • The current process is “painfully” slow. Direct proposals from the Cabinet, or the Democratic Services Committee, or the Monitoring Officer, would speed this up considerably. Final decision making would still rest with full Council and anything controversial would still be the subject of consultation.
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4	<p>3.1.2 Information Available to Councillors of the Council</p> <p>(b) Additionally, a councillor may access any information which they need to know in order to properly perform their duties as a member of the Council (otherwise known as “need to know”). A councillor will not make public information which is confidential or exempt (as defined in Section 15) without the consent of the Council or divulge information given in confidence to anyone who is not entitled to the information.</p> <p>Comments</p> <ul style="list-style-type: none"> • This reflects the common law position (the law made by the Courts) and is how we have always operated but now the Constitution will say so explicitly, in line with the new Model
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5	<p>4.6.25 appointing representatives to outside bodies, except for inter year vacancies which shall be appointed by the Chief Executive after consultation with group leaders / unaffiliated members, or when the appointment must be made from among members of the Cabinet; in which case such appointments shall always be made by the Leader);</p> <p>Comments</p> <ul style="list-style-type: none"> • This does not come from the new Model Constitution but reflects how we operate in practice. Namely, full Council appoints annually to the outside bodies which require a Council member, with any inter-year vacancies filled by
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	<p>the Chief Executive after consultation with Group Leaders/unaffiliated members and any appointments to outside bodies that require Cabinet members are always appointed by the Leader.</p> <ul style="list-style-type: none"> • This has been included for the sake of clarity as questions on this point arise on a regular basis.
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6	<p>4.10.1.1 In a year when there is an ordinary election of councillors (“Election Year”), 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 (“Ordinary Year”).</p> <p>Comments</p> <ul style="list-style-type: none"> • <u>This is a fundamental change.</u> Current arrangements were originally implemented by the Commissioners • This is taken from the new Model Constitution • It has the support of the Chief Executive, who has asked whether the proposal should be amended further to enable a Leader to identify the members of the Cabinet and their responsibilities in writing to all members within a specified time after the Council meeting eg within 7 days. This would enable discussion and proper consideration as to who will carry out these responsibilities. • The proposal removes the two staggered Council meetings after local government elections • My view is that, by removing this, it ends the paralysis that follows every election
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7	<p>4.10.1.3 (f) receive any announcements from group leaders with the approval of the Chair; such approval having been agreed in advance of the meeting;</p> <p>Comments</p> <ul style="list-style-type: none"> • I have included this for the first time in the Annual Meeting and in ordinary meetings in order to better manage the “scramble” that often happens at the outset of meetings where the Chair, having agreed to one announcement, then finds that they have to agree to multiple announcements. • This provision is not in the new Model Constitution, which is more restrictive.
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8	<p>4.11.9 receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;</p> <p>Comments</p> <ul style="list-style-type: none"> • We currently have a section in the Rules of Procedure which deals with asking questions about the Fire Authority and the Police. It used to be a standing item but has fallen out of favour in recent years.
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- This comes from the new Model Constitution and I have included it because some concerns have been raised about the inconsistency in councillors feeding back from outside bodies.
- I have included it because it is in the Model but, in practice, my view is that this may be problematic for the Chair, and very time consuming, given that the Council appoints to 89 external bodies.
- My proposal would be that the Model wording be changed to include full Council receiving such reports where Council is required to make a decision or respond to a consultation etc. and that “feedback” from outside bodies should be dealt with by way of a separate protocol which specifically identifies key external bodies and sets out clear expectations for those councillors to brief identified officers/cabinet members in relation to key outside bodies.

9

4.11.13 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

Comments

- This is from the new Model Constitution.
- If this is to be adopted at all, there are essentially two models. Firstly, to permit members of the public (via a similar process to that in the Planning and Orders Committee and Scrutiny) to attend in person/remotely and ask specific questions in ordinary meetings of the Council. The second option is to provide a scheme for members of the public to submit questions in writing, with the Chair then having the discretion to select a specified number of questions on a “first come first served basis”, and within certain identified parameters. Those principles would be along the same lines as those set out in the [Council's Petition Scheme](#).
- The choice for councillors, therefore, is:-
 - Retain the status quo, which is councillors asking questions on notice on behalf of their electorate or
 - Public participation in Council meetings or
 - Written questions from members of the public
- My recommendation would be to either maintain the status quo or to devise a process of written questions but not to adopt a public speaking scheme. This would be time consuming to manage at a time where there are capacity/recruitment issues.
- The Chief Executive's view is that the status quo should be retained but if the public participation process is to be adopted then it should be questions in writing and subject to review after a specified time eg perhaps 12 months?

10

4.11.14(b) At ordinary meetings of the Council a petition organiser may present any petition on the agenda which has been submitted under the [Council's Petitions Scheme](#). The petition organiser shall be permitted five minutes to present their petition prior to debate by councillors.

Comments

- This reflects the decision recently made by Council. The Public Participation Strategy is also now included in the Constitution following approval by full Council in October 2023.

11

4.13.2

Summons shall be sent to councillors at their nominated electronic address. **If a councillor requires their summons to be sent to them on paper**, the councillor must send a written request, including details of their nominated postal address, to the Chief Executive. Any summons addressed to the member and left at or sent by post to that address shall be deemed sufficient service of the summons.

Comments

- This reflects the current legal position in that councillors are entitled to receive a summons to a meeting by hard copy through the post. There is no entitlement to receive the reports although applications may be made for hard copies under the Disability Discrimination Act/Equality Act.
- This provision comes from the new Model Constitution and reflects current practice here

12

4.16.4 **Notice of Questions**

A councillor may ask a question under Rule 4.16.2 or 4.16.3 if either:

- (a) they have given at least 5 clear working days' notice in writing of the question to the Chief Executive and the notice to the question is signed by the councillor; or
- (b) the question relates to urgent matters, as agreed by the Chair, and they have the consent of the councillor to whom the question is to be put and the content of the question is given to the Chief Executive in writing and signed by the councillor by noon on the day before the meeting. Written notice of questions will be accepted in hard copy or from a councillor's Council email account.

Comments

- This is from the new Model Constitution.
- It removes the need for a counter-signature from group leaders and questions may be either in hard copy or from the councillor's official Council email account. Given the "five clear working days notice", simplifying and speeding up the process of submitting questions should make the process easier for members.

13

4.16.5 Maximum Number of Questions

A councillor may ask only one question under Rule 4.16.2 or 4.16.3. The maximum number of questions which may be asked at any meeting of the Council is 10 and if the number of questions exceeds 10 only the first 10 questions received by the Chief Executive shall be published on the agenda. **Any questions remaining unanswered shall be resubmitted to the Chief Executive for the next Council meeting.**

Comments

- These are questions on notice and not on reports which, as councillors know, have no limits subject to the approval of the Chair. I have limited it to no more than one per member, 10 overall, with only the first 10 valid questions received by the Chief Executive to be placed on the agenda. I have included a provision whereby any other questions have to be resubmitted. There is also a limitation elsewhere of 60 minutes in total for questions on notice.
- This is not very different from what we have now but I have included the fact that questions that do not make it to the agenda automatically “fall”. We do not include that explicitly at present but it has always been our practice and it is therefore now explicitly stated.
- The number of questions per councillor, the number of questions overall and the duration of councillor “question time” are all matters of local choice. I have sought to strike the balance between providing an opportunity for councillors to ask questions, also ensuring that other agenda items are given reasonable time and that meetings should not extend beyond the usual maximum three hour period. Councillors may want to consider whether this strikes the right balance.

14 4.16.7 Content of Questions

Questions under Rule 4.16.2 or 4.16.3 must, in the view of the Chief Executive:

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy; (?)
- (c) not relate to questions of fact; (?)
- (d) not relate to information which is already in the councillor’s possession or which has been published, either in a committee report, or otherwise;
- (e) relate to a matter which is within the responsibility or power of the Council;
- (f) not be of a personal nature or critical of the motives or personal character of others.

Comments

- This comes from the new Model Constitution
- Most of the wording is fine but I am mystified by paragraphs (b) and (c). The Council could have a policy on practically anything and why should councillors not be allowed to ask questions of fact? It will also be very difficult, particularly given the usual short timeframe between receipt of questions and publication of the agenda, for officers to make an assessment on points (b) and (c), particularly if there are many questions being submitted.

- My proposal would be that (b) and (c) be rejected.

15

4.16.8(c) where the reply cannot conveniently be given verbally, a written answer circulated to all councillors within a reasonable period after the meetings, and shall be published on the Council's website. They shall be added in due course to the minutes of the meeting.

Comments

- We already do most of this but we do not publish the responses on the Council's website, nor do we add them to the minutes of the meeting. It is now suggested that we do both.
- Would members like to define "a reasonable period after the meeting"? What do members consider would be a reasonable period? Should this be agreed at Council depending on the nature of the question and the extent of the research etc required in order to provide an appropriate answer?

16

4.17.4 Motion to Remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by at least 9 councillors and which include councillors from at least two political groups. See Section 6.3.2.
- (b) In order for such a motion to be carried it must have the support of at least two thirds of those councillors voting and present at the time the question is put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

Comments

- This comes direct from the new Model Constitution.
- The legal position is that a vote of no confidence in a Leader must be carried by at least a two thirds majority.
- The rest of this provision is a matter of local choice. So the Model is explicit about quorum (a quarter of councillors) and that such a motion may not be considered more than once in any 12 month period.
- I would recommend inclusion of the quorum and the 12 month restriction in order to try and strike the right balance between a Leader's significant power, and full term tenure, with in term accountability, but ensuring an appropriate level of stability for the Council as well.
- The two-thirds majority is not a matter of local choice but the quorum and 12 month restriction are a matter for members. Either way it will be useful to have clarity.

17	<p>4.17.5 One Motion per Councillor</p> <p>No councillor may give notice of more than one motion for any Council meeting, except with the consent of the Chief Executive.</p> <p>Comments</p> <ul style="list-style-type: none"> • This comes from the new Model Constitution. • This limits the number of motions but provides discretion to the Chief Executive if there is a significant matter of local interest. This is only really a restriction for members if they are unaffiliated. • I think this tries to strike the right balance between facilitating members to raise matters of concern for debate and decision but to enable agenda items to proceed.
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18	<p>4.19 State of the County Debate</p> <p>4.19.1 Calling of Debate</p> <p>The Leader shall call a state of the County debate annually on a date and in a form to be agreed with the Chair.</p> <p>4.19.2 Form of Debate</p> <p>The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.</p> <p>4.19.3 Chairing of Debate</p> <p>The debate will be Chaired by the Chair</p> <p>4.19.4 Results of Debate</p> <p>The results of the debate shall be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and any changes to the Policy Framework to the Council for the coming year.</p> <p>Comments</p> <ul style="list-style-type: none"> • This proposal comes direct from the new Model. • Our current version of this concept is the Leader's Annual Report. • Neither the Leader's Annual Report, nor a state of the County debate, is a statutory requirement, making each a local choice. • The Chief Executive has proposed that the Council's Annual Performance Report be coupled with the Leader's Annual Report to merge these into a single debate at full Council; perhaps inviting identified key stakeholders to attend such meeting? • As described in the new Model this is a significant piece of work that would
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involve much officer capacity. It has benefits in terms on inclusivity, especially potential for involving the public etc but it will be very labour intensive at a time when resources are scarce. It also needs to be borne in mind that there is now a statutory duty to consult in relation to the Council's Annual Performance Report.

- The Chief Executive is concerned at the introduction of the state of the County debate, in the context of capacity issues but also that it would be “re-treading” ground that would have been covered in the Annual Performance Report and the Annual Leader's Report and therefore does not favour the adoption of this proposal.
- The options therefore are:-
 - Maintain the status quo i.e. Annual Leader's Report
 - Annual Leader's Report combined with the Annual Performance Report and/or Annual Performance Report with/without invitation to key stakeholders to hear the Councillor's debate, but not to participate.
 - Continue with the Annual Performance Report but remove the Leader's Annual Report as this is not a statutory obligation
 - Remove the Leader's Annual Report and replace it with a state of the county debate as described in the Model Constitution. The Annual Performance Report would continue, as this is a statutory requirement in any event.

19

4.22.1 Signing the Minutes

The Chair shall sign or authenticate the minutes of the proceedings at the next suitable meeting. The Chair shall move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that may be discussed is their accuracy.

Comments

- This comes from the new Model Constitution
- Chair to propose all minutes and introduces the use of the term “authentication” for the first time.

20

4.22.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

Comments

- Comes from the Model Constitution

- Clarifies that minutes of a previous meeting or meetings will no longer be considered at extraordinary meetings. Currently, this is a matter for the discretion of the Chair, if the draft minutes are ready for approval.

21 4.23 Record of Attendance

All councillors physically present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. All councillors attending a meeting by remote means must email the Head of Democracy to confirm their attendance before the conclusion of every meeting.

Comments

- This comes from the Model Constitution
- It would be useful to have a digital solution for this to ease the burden on the Chair to “take the register” at every meeting but if such an option exists (and we shall make enquiries) it is not likely to be affordable.
- Rather than having a digital (for those attending remotely) and a paper register (for those attending in person) the Chief Executive would prefer a single digital register by attendees notifying their attendance before the end of the meeting with the relevant committee officer.

22 4.26.3 Clearance of Online Meeting Platform

If there is a general disturbance on the online meeting platform, the Chair may call for the online meeting platform to muted, temporarily suspended or closed. What measures are necessary to ensure the proper conduct of the meeting shall be at the absolute discretion of the Chair.

Comments

- Introduces the concept of “clearing” disruptive members of the public from an online platform. We shall look at the capabilities of the system to see whether it is possible to use this technique in relation to any disruptive individual, rather than close down the digital platform, as this would be unfair to others who might be attending via that platform but are not conducting themselves in a way that is disruptive to the meeting.

23 4.27 **Filming and Use of Social Media During Meetings**

Filming and use of social media by the public is permitted during meetings as long as there is no disturbance to the conduct of the meeting.

Comments

- This comes from the new Model Constitution and reflects the current legal

position which is that the public may film, and use social media, during meetings as long as they do not disrupt Council business. This would be a matter for the Chair's discretion as to whether or not the meeting is being disrupted and the individual/individuals concerned would be asked to cease filming and, if not prepared to do so, would be required to leave the Chamber.

- Legally, councillors are also permitted to film, and use social media, during meetings but unanimously agreed not to do so in order to give their full attention to the meeting.
- Although the legal position is now clear, it has been an issue here in the past, and therefore I have flagged it up as a potentially contentious issue.

24

4.28 Electronic Broadcasts of Meetings

4.28.1 Meetings of the Council shall be broadcast live electrically on the Council's website so that members of the public not in attendance at the meeting may see and hear the proceedings. Copies of the meeting shall be available online for 365 days after the meeting.

Comments

- Now makes it clear that a recorded broadcast will be available for 365 days after the meeting.

25

4.31 Appointment of Substitute Members on Council Bodies

4.31.1 Substitution will not be possible at meetings of the full Council and shall not apply to meetings of the Cabinet, the Standards Committee, the Governance and Audit Committee, the Planning and Orders Committee or the Licensing Committee.

4.31.2 Subject to any other restrictions elsewhere in the Constitution, any councillor shall be permitted to act as a substitute on a Member Body.

4.31.3 The Head of Democracy shall allow a request from any political group leader to appoint a substitute as long as the substitute is from the same political group.

4.31.4 In order to be eligible to sit as substitutes on the Appointments Committee or Appeals Committee, councillors must have received formal training in the procedures and the law.

4.31.5 Substitutes shall have all the powers and duties of any other member of the committee but shall not be permitted to exercise any special powers or duties exercisable by the person they are substituting.

4.31.6 Substitutes may attend meetings in that capacity only:

- (a) to take the place of the councillor for whom they have been designated a substitute;
- (b) where the appointed councillor shall be absent for the whole of the

- meeting; and
- (c) where the relevant group leader has notified the Head of Democracy of the intended substitution at least one day before the start of the relevant meeting.

Comments

- This comes from the new Model Constitution.
- It may be controversial as it introduces the concept, for the first time here, of substitution of councillors outside those committees listed in 4.31.1 and subject to the caveat in 4.31.4. That is, those who are required to undertake specific training.
- I favour this proposal as it supports the principle of political balance and allows some flexibility for councillors who work or have other obligations and commitments, sometimes making it difficult for them to attend meetings. The Chief Executive has suggested that the number of substitutions in any municipal year should be limited to a maximum number?
- Substitution will have no impact on the statutory rule that requires every councillor to attend at least one formal Council or Committee meeting, in respect of which they are a named member, at least once in every six month period.
- Clearly, substitution will not apply to unaffiliated members as this would subvert the rules on political balance