

MODEL WELSH CONSTITUTION

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MODEL WELSH CONSTITUTION

SECTION 1

1. INTRODUCTION

1.1 Purpose and Content of the Constitution

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people 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, [Overview and Scrutiny Committee] [*add other arrangements*], Standards Committee and Regulatory Committees. Section 11 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 13 says which Council bodies, and which Officers, have authority to make which decisions.
- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the [Cabinet] [Executive] (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections 18 to 20 have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. 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 you can find it.

1.2 How the Council Operates

- 1.2.1 The Council is comprised of [*insert number*] Councillors elected every four years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in [*add name of area*]. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.
- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the budget each year. The Council appoints the Leader of the Council [*insert period of time*]. The [Leader] [Full Council] then

decides the size and Membership of the [Cabinet] [Executive] ie the role of individual Members of the [Cabinet] [Executive] and arrangements for the exercise and delegation of Executive Functions. The [Cabinet] [Executive] 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, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us.

[add contact details]

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

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 local authority decision making;
- 2.1.3 help Councillors represent their constituents more effectively;
- 2.1.4 enable decisions to be taken efficiently and effectively;
- 2.1.5 create a powerful and effective means of holding decision makers to public account;
- 2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;
- 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 23).
- 2.2.2 Within the Constitution the following words and phrases have the meaning set out below:
 - “Budget” the overall revenue and capital budget approved by Full Council (Section 4);
 - “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:
 - reports directly to the Head of Paid Service in respect of all or most of his/her duties; or
 - the Head of Paid Service is directly responsible for;
 - “Corporate Team” the senior management body for Officers (Section 11). It includes those Officers designated by the Head of Paid Service from time to time as Members of the Corporate Team;
 - “Councillor” a person elected to the Council to represent an area (called an electoral division) within [*name of Council*];

“Deputy 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 reports directly to a Chief Officer in respect of all or most of his/her duties;
“Executive”	the [Cabinet] [Executive] or a Member or Members of the [Cabinet] [Executive] when exercising Executive Functions;
“Executive Decision”	any decision taken by the [Cabinet] [Executive] to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the [Cabinet] [Executive] has delegated Executive Functions to exercise or refrain exercising those functions;
“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 only by Full Council or delegated to another Member body is an Executive Function.</p> <p>(b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.</p> <p>It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;</p>
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Council and the [Cabinet] [Executive] intend to take and what business the [Overview and Scrutiny Committee] [<i>add other arrangements</i>] will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Head of Paid Service;
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the [Cabinet] [Executive] (in whole or in part) or as being non-executive, at its discretion;

“Local Government (Wales) Measure 2011”	referred to as “The Measure”. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;
“Member”	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);
“Member Body”	<p>any of the following:</p> <ul style="list-style-type: none"> • Full Council; • Cabinet; • an [Overview and Scrutiny Committee] [<i>add other arrangements</i>]; • Licensing Committee; • Standards Committee (or one of its sub-committees); • Planning Committee; • Appeals Panel; • Audit Committee; • Democratic Services Committee; <p>Note - references to Committee also includes Sub-Committee;</p>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 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] [Executive];
“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;
“Section 151 Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
“Service”	one of the services provided by the Council;
“Single Integrated Plan (SIP)”	this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.

2.3 **Interpretation of the Constitution**

- 2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.
- 2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.
- 2.3.3 In all other situations, the Monitoring Officer will determine 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 Regulations set out in Section 16 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 16 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 could 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 him/her 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] [Executive].

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] [Executive],

in which case the [Monitoring Officer] may make such a change. Any such change made by the [Monitoring Officer] shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

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. Such amendments shall take effect when the [Monitoring Officer] so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

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 Rules will 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 set out in this Section.

2.8 **Publication**

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

2.8.2 The Monitoring Officer will [give a printed] [give an electronic] [provide a link to a] copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member 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.

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

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 direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the [Cabinet] [Executive] or Council and what issues the [Overview and Scrutiny Committee] [add other arrangements] will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

[Insert number] days before a meeting, the agenda, any report likely to be discussed and background papers to that report 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 will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

The Council will make available to the public present at a meeting a reasonable number of copies of the Agenda and of the Reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

Inspect the Council's accounts and make views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2005, the accounts will 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 14.10.3 and 14.10.4) will not be disclosed to members of the public at any time.

3.1.2 Information Available to Members of the Council

- (a) Members can see any information, which is available to a member of the public.
- (b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as “need to know”). A Member will not make public information which is confidential or exempt (as defined in Section 14) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

3.1.3 Members of [an Overview and Scrutiny Committee] [add other arrangements]

A Member of [an Overview and Scrutiny Committee] [add other arrangements] may also see any document containing material relating to:

- (a) any business transacted at or meeting of the [Cabinet] [Executive];
- (b) any decision taken by an individual Member of the [Cabinet] [Executive].

[An Overview and Scrutiny Committee] [add other arrangements] Member is not be entitled to:

- (c) any document in draft form;
- (d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Committee’s Forward Work Programme.

NB. No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Head of Paid Services 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 Act 1998.

3.2 Getting Involved

3.2.1 Members of the Public

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

- (a) *Voting for Councillors*

If they are over 18 years and registered as a local elector with the Council.

(b) *Suggesting Items of Business for Meetings*

A member of the public can seek to get a matter included in an agenda by:

- (i) asking the Chair of any Member Body to add an item to the agenda; and/or
- (ii) attending a meeting of the body and suggest that it looks at an issue when it is considering “items of future business relating to the functions of the Member Body”.

(c) *Taking Part in Meetings*

- (i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.
- (ii) You can also ask Formal Questions at meetings of Full Council (Section 4).

(d) *Views of the Public*

Under the arrangements put in place by the Authority under section 62 of the Local Government (Wales) Measure 2011, to bring to the attention of the relevant [Overview and Scrutiny Committee] *[add other arrangements]* their views on any matter under consideration by the relevant [Committee] *[add other arrangements]*, the relevant [Overview and Scrutiny Committee] *[add other arrangements]* must take into account any views brought to their attention under these arrangements.

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

Meetings will 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 14.10 for definition of exempt information and section 14.11 for definition of public interest.)

(f) *Making Comments/Complaints*

- (i) A member of the public may comment or complain about Council services by:
 - (A) contacting their local councillor;
 - (B) contacting the Member of the [Cabinet] [Executive] responsible for the service;
 - (C) contacting the Officer responsible for delivering the service or their manager;
 - (D) using the Council’s complaints procedure;

- (E) contacting the Public Services Ombudsman for Works at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0845 601 0987 or via the website www.ombudsman-wales.org.uk.
- (ii) Comments or complaints can be made about an Officer or Member by:
 - (A) *Officer*
Contacting the Officer or the Officers manager.
 - (B) *Members*
If the complaint is against a Member then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales (contact details above).

(g) *Engage with Overview and Scrutiny*

All members of the public who live or work in the area of the Council may bring to the attention of [an Overview and Scrutiny Committee] [*add other arrangements*] their views on any matter under consideration by that [Committee] [*add other arrangements*]. [An Overview and Scrutiny Committee] [*add other arrangements*] must take into account any views brought to its attention by a member of the public.

3.3 **Getting Involved – Members**

Members can get involved by:

3.3.1 **Suggesting Items of Business for the Agenda**

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

- (a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

Column A	Column B
Democratic Services Committee	Council
[Overview and Scrutiny Committee] [<i>add other arrangements</i>]	[Cabinet] [Executive] (Section [], page []) [Cabinet] [Executive] (Section [], page [])

- (b) Any Member can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

3.3.2 **Participating in Meetings**

Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the [Cabinet] [Executive].

- (a) Members of the Council may attend and speak at any meetings where they are a Member of that body. Where they are not a Member of that body, their attendance and right to speak is at the discretion of the Chair of the body.
- (b) Members of the [Cabinet] [Executive] 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) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18) on any aspect of Council business by:
 - (i) talking to Officers;
 - (ii) talking to the Leader or Member of the [Cabinet] [Executive];
 - (iii) talking to the Chair of [an Overview and Scrutiny Committee] [*add other arrangements*].

(b) If a Member wishes to complain about an:

(c) *Officer*

The procedure set out in the Protocol on Member/Officer Relations may be used (Section 21).

(d) *Member*

The procedure set out in Appendix 3 to Section 18 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 budget and 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] [Executive]. 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:

[List plans and strategies]

4.3 The Single Integrated Plan

This replaces four of the existing 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 and decisions relating to the control of the Council's borrowing requirement, 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 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the [Cabinet] [Executive].)

4.5 Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose 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 will exercise the following functions:

- 4.6.1 adopting and changing the Constitution;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the budget and any application to the National Assembly for Wales 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 14 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 changing the name of the area or conferring the title of freedom of the [Borough] [City];
- 4.6.7 [making or confirming the appointment of the Head of Paid Services;] [making or confirming the appointment of the Head of Paid Services and other Chief Officers]; [*other*];
- 4.6.8 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;
- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the [Cabinet] [Executive]; and
- 4.6.10 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.11 [appointing representatives to outside bodies unless the appointment has been delegated by the Council.]

4.7 **Membership**

- 4.7.1 All Members of the Council shall be Members of Full Council.
- 4.7.2 Substitution is not possible at meetings of the Council.
- 4.7.3 Chairing the Council
 - (a) The Councillor elected annually by the Council as its chair will be called the ["Mayor"] ["Chair"] ["Presiding Member"].
 - (b) The [Chair] [Mayor] [Presiding Member] will cease to be [Chair] [Mayor] [Presiding Member] if they resign, are dismissed by a vote of Full Council, 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] [Mayor] [Presiding Member] after an election until their successor has been appointed.
- 4.7.4 [Role and Function of the [Chair] [Mayor]

The [Chair] [Mayor] of the Council and in his/her absence, the [Deputy Mayor] [Vice Chair] will have the following roles and functions:

(a) *Ceremonial Role*

The [Chair] [Mayor] of the Council:

- (i) is the civic leader of [*insert name of Council/area*];
- (ii) promotes the interests and reputation of the Council and [*insert name of Council/Area*] as a whole and acts as an ambassador for both; and
- (iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.]

(b) *Responsibilities of the [Chair] [Mayor]*

- (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 can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the [Cabinet] [Executive] are able to hold the [Cabinet] [Executive] and Committee Chair to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council; and
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;]

OR

4.7.5 [Role and Function of the Presiding Member]

The Presiding Member of the Council and in his/her absence the Deputy Presiding Member shall have the following roles and functions:

- (a) to uphold and promote the purpose of the Constitution and to interpret the Constitution where necessary;
- (b) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of the Councillors and the interests of the Community; and
- (c) [to ensure that the Council meeting is in a forum for the debate of matters of concern to the local community and the place at which Members who are not on the [Cabinet] [Executive] are able to hold the [Cabinet] [executive] and Committee Chair to account.

4.7.6 [Role and Function of the Civic Chair]

The Councillor elected annually by the Council as its Civic Chair and in his/her absence the Civic Vice Chair shall have the following roles and functions:-

(a) *Ceremonial Role*

The Civic Chair of the Council:

- (i) is the civic leader of [*insert name of Council/area*];
- (ii) promotes the interests and reputation of the Council and [*insert name of Council/Area*] as a whole and acts as an ambassador for both; and
- (iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) *Responsibilities of Civic Chair*

- (i) [to promote public involvement in the Council's activities;]
- (ii) [to be the conscience of the Council;] and
- (iii) [to attend such civic and ceremonial functions as the Council and he/she determines appropriate.]]

4.7.7 [The Civic Chair and Civic Vice Chair will cease to be Civic Chair/ Civic Vice Chair if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Civic Chair after an election until their successor has been appointed.]]

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

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In

any other year, the annual meeting will take place in March, April or May. The annual meeting will:

- (a) elect a person to preside if the [Chair] [Mayor] [Presiding Member] and [Vice Chair] [Deputy Mayor] [Deputy Presiding Member] of the Council is not present;
- (b) elect the [Chair] [Mayor] [Presiding Member] of the Council;
- (c) elect the [Vice Chair] [Deputy Mayor] [Deputy Presiding Member] of the Council;
- (d) [elect the Civic Chair of the Council;]
- (e) [elect the Civic Vice Chair of the Council;]
- (f) approve the minutes of the last meeting;
- (g) receive any announcements from the Civic Chair;

OR

- (h) receive any announcements from the [Chair] [Mayor] [Presiding Member] and/or the Head of Paid Service;]
- (i) elect the Leader of the Council, except where the Leader was appointed for a period of four years at the initial annual meeting of the Council;
- (j) [to agree the number of Members to be appointed to the [Cabinet] [Executive];] (weak leader model)

OR

- (k) [the Leader to inform Council of the number of Members to be appointed to the [Cabinet] [Executive];] (strong leader model)
- (l) appoint the [Overview and Scrutiny Committees] [*add other arrangements*], a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);
- (m) [receive from the Leader the scheme of delegations (as set out in Section 13 of this Constitution);] (strong leader)

OR

- (n) [agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 13 of this Constitution);] (weak leader)
- (o) approve a programme of ordinary meetings of the Council for the year; and
- (p) consider any business set out in the notice convening the meeting.

4.10.2 [Selection of Councillors on Committees [and Outside Bodies]

At the annual meeting, the Council meeting 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) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the [Cabinet] [Executive].]

4.11 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- 4.11.1 elect a person to preside if the [Chair] [Mayor] [Presiding Member] and [Vice Chair] [Deputy Mayor] [Deputy Presiding Member] are not present;
- 4.11.2 approve the minutes of the last meeting;
- 4.11.3 receive any declarations of interest from Members;
- 4.11.4 [receive any announcements from the Civic Chair;]
- OR
- [receive any announcements from the [Chair] [Mayor] [Presiding Member];]
- 4.11.5 receive a report from the Leader and receive questions and answers on the report;
- 4.11.6 receive a report from the [Cabinet] [Executive] and receive questions and answers on the report;
- 4.11.7 receive reports from the Council's committees and receive questions and answers on those reports;
- 4.11.8 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.11.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the [Cabinet] [Executive] in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the [Overview and Scrutiny Committee] [*add other arrangements*] [];
- 4.11.10 consider motions; and

4.11.11 deal with questions from Members in accordance with Rule 4.19

4.11.12 [receive questions from, and provide answers to, the public in relation to matters which in the opinion of the [Chair] [Mayor] [Presiding Member] are relevant to the Council's functions.]

4.12 **Extraordinary Meetings**

4.12.1 **Calling Extraordinary Meetings**

The [Proper Officer] [*other Officer*] may call Council meetings in addition to ordinary meetings. Those listed below may request the [Proper Officer] [*other*] to call additional Council meetings:

- (a) the Council by resolution;
- (b) the [Chair] [Mayor] [Presiding Member] of the Council;
- (c) any five Members of the Council if they have signed a requisition presented to the [Chair] [Mayor] [Presiding Member] of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.12.2 **Business**

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] [Mayor] [Presiding Member] may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

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

4.13.1 **Time and Place of Meetings**

The time and place of meetings will be determined by the [Head of Legal and Democratic Services] [*other*] and notified in the summons.

4.13.2 **Duration of Meetings**

At an ordinary meeting of the Council, when [three hours] have elapsed after the commencement of the meeting, the [Chair] [Mayor] [Presiding Member] shall adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and dated fixed by the [Chair] [Mayor] [Presiding Member]. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.14 **Notice of and Summons to Meetings**

The [Head of Legal and Democratic Services] [*other*] will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least [*insert number*] clear days before a meeting, the [Head of Legal and Democratic Services] will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting

and specify the business to be transacted, and will be accompanied by such reports as are available.

4.15 **Chair of Meeting**

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

4.16 **Quorum**

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the [Chair] [Mayor] [Presiding Member] counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the [Chair] [Mayor] [Presiding Member]. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.17 **[Remote Attendance]**

4.18 **Questions by the Public**

4.18.1 **General**

- (a) Members of the public may ask questions of Members of the [Cabinet] [Executive] at ordinary meetings of the Council.
- (b) The total time allocated for questions by the public should be limited to 30 minutes.

4.18.2 **Order of Questions**

Questions will be asked in the order notice of them was received, except that the [Chair] [Mayor] [Presiding Member] may group together similar questions.

4.18.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the [Head of Legal and Democratic Services] [other] no later than midday [insert number] working days before the day of the meeting. Each question must give the name and address of the questioner.

4.18.4 **Number of Questions**

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

4.18.5 **Scope of Questions**

The [Head of Legal and Democratic Services] [other] may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the [County Borough] [other];
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) requires the disclosure of confidential or exempt information.

4.18.6 Record of Questions

- (a) The [Head of Legal and Democratic Services] [other] will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- (b) Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4.18.7 Asking the Question at the Meeting

The [Chair] [Mayor] [Presiding Member] will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the [Chair] [Mayor] [Presiding Member] to put the question on their behalf. The [Chair] [Mayor] [Presiding Member] may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.18.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The [Chair] [Mayor] [Presiding Member] may reject a supplementary question on any of the grounds set out in Rule 4.18.5 above.

4.18.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

4.18.10 Reference of Question to the [Cabinet] [Executive] or a Committee

Unless the [Chair] [Mayor] [Presiding Member] decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the [Cabinet] [Executive] or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

4.19 Questions by Members

4.19.1 On Reports of the [Cabinet] [Executive] or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the [Cabinet] [Executive] or a Committee, when that item is being received or is under consideration by the Council

4.19.2 Questions on Notice at Full Council

Subject to Rule 4.19.4, a Member of the Council may ask:

- (a) the [Chair] [Mayor] [Presiding Member];
- (b) a Member of the [Cabinet] [Executive];
- (c) the chair of any committee or sub-committee;

a question on any matter in relation to which the Council has powers or duties or which affects the [*name of Council*].

4.19.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.19.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the [County Borough] [*other*] and which falls within the terms of reference of that committee or sub-committee.

4.19.4 Notice of Questions

A Member may ask a question under Rule 4.19.2 or 4.19.3 if either:

- (a) they have given at least [*insert number*] working days' notice in writing of the question to the [Head of Legal and Democratic Services] [*other*]; or
- (b) the question relates to urgent matters, they have the consent of the [Chair] [Mayor] [Presiding Member] or Member to whom the question is to be put and the content of the question is given to the [Head of Legal and Democratic Services] [*other*] by [*insert time*] on the day of the meeting.

4.19.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.19.2 or 4.19.3 except with the consent of the [Chair] [Mayor] [Presiding Member] of the Council, committee or sub-committee. The maximum number of questions that may be asked at any meeting of the Full Council is [*insert number*] and if the number of questions exceeds [*insert number*] the questions to be asked shall be determined by ballot to be conducted by the [Head of Legal and Democratic Services] [*other*].

4.19.6 Order of Questions

Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the [Chair] [Mayor] [Presiding Member] of the Council, committee or sub-committee.

4.19.7 Content of Questions

Questions under Rule 4.19.2 or 4.19.3 must, in the opinion of the [Chair] [Mayor] [Presiding Member]:

- (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.

4.19.8 Response

An answer may take the form of:

- (a) a direct oral 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 orally, a written answer circulated within [*insert number*] working days to the questioner.

4.19.9 Supplementary Question

A Member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

4.19.10 Length of Speeches

A Member asking a question under Rule 4.19.2 or 4.19.3 and a Member answering such a question may speak for no longer than [*insert number*] minutes unless the [Chair] [Mayor] [Presiding Member] consents to a longer period.

4.19.11 Time Allowed for Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 4.19.2 shall not, without the consent of the Council, exceed [*insert number*] minutes.
- (b) At the conclusion of the answer to the question under consideration at the expiry of [*insert number*] minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the [Chair] [Mayor] [Presiding Member] shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

4.20 Motions on Notice

4.20.1 Notice

Except for motions which can be moved without notice under Rule 4.21 and in cases of urgency, written notice of every motion, must be delivered to the [Head of Legal and Democratic Services] [other] not later than [insert time] on the [state number] working day before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

4.20.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the [Chair] [Mayor] [Presiding Member].

4.20.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the wellbeing of the administrative area of the Council.

4.20.4 Motion to Remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes 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 Members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

4.20.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the [Chair] [Mayor] [Presiding Member].

4.20.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed [insert number] minutes. At the conclusion of the speech being delivered at the expiry of [insert number] 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] [Mayor] [Presiding Member] 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] [Mayor] [Presiding Member] 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] [Mayor] [Presiding Member] shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- (c) otherwise, the [Chair] [Mayor] [Presiding Member] shall allow the mover of the motion to exercise his 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.

4.21 **Motions without Notice**

The following motions may be moved without notice:

- 4.21.1 to appoint a Chair of the meeting at which the motion is moved;
- 4.21.2 in relation to the accuracy of the minutes;
- 4.21.3 to change the order of business in the agenda;
- 4.21.4 to refer something to an appropriate body or individual;
- 4.21.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 4.21.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
- 4.21.7 to withdraw a motion;
- 4.21.8 to amend a motion;
- 4.21.9 to proceed to the next business;
- 4.21.10 that the question be now put;
- 4.21.11 to adjourn a debate;
- 4.21.12 to adjourn a meeting;
- 4.21.13 to suspend a particular Council Procedure Rule;
- 4.21.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.21.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4; and
- 4.21.16 to give the consent of the Council where its consent is required by this Constitution.

4.22 Rules of Debate

4.22.1 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.

4.22.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the [Chair] [Mayor] [Presiding Member] [may require it to be written down and handed to him before it is discussed.

4.22.3 Secunder's Speech

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

4.22.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order no speech may exceed [*insert number*] minutes without the consent of the [Chair] [Mayor] [Presiding Member].

4.22.5 When a Member may Speak Again

A Member 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 Member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

4.22.6 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 or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or

(iv) to insert or add words

as long as the effect of 4.22.6(a)(ii) to 4.22.6(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] [Mayor] [Presiding Member] will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.22.7 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he has 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 could be made as an amendment may be made.

4.22.8 Withdrawal of Motion

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

4.22.9 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 his amendment.

4.22.10 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) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

4.22.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member;
 - (i) to proceed to the next business;
 - (ii) to act 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] [Mayor] [Presiding Member] thinks the item has been sufficiently discussed, he 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] [Mayor] [Presiding Member] thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the [Chair] [Mayor] [Presiding Member] thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.22.12 Point of Order

A point of order is a request from a Member to the [Chair] [Mayor] [Presiding Member] to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The [Chair] [Mayor] [Presiding Member] will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member

must indicate the rule or law and the way in which he considers it has been broken. The ruling of the [Chair] [Mayor] [Presiding Member] on the matter will be final.

4.22.13 Personal Explanation

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

4.23 **[State of the [County Borough] [other] Debate]**

4.23.1 Calling of Debate

The Leader may call a state of the [County Borough] debate annually on a date and in a form to be agreed with the [Chair] [Mayor] [Presiding Member].

4.23.2 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.

4.23.3 Chairing of Debate

The debate will be Chaired by the [Chair] [Mayor] [Presiding Member] .

4.23.4 Results of Debate

The results of the debate will 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 Policy Framework to the Council for the coming year.]

4.24 **Previous Decisions and Motions**

4.24.1 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 [*insert number*] Members, except in the case of new information becoming available.

4.24.2 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 [*insert number*] Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.25 **Voting**

4.25.1 **Majority**

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

4.25.2 **[Chair] [Mayor] [Presiding Member]'s Casting Vote**

If there are equal numbers of votes for and against, the [Chair] [Mayor] [Presiding Member] will have a second or casting vote. There will be no restriction on how the [Chair] [Mayor] [Presiding Member] chooses to exercise a casting vote.

4.25.3 **Method of Voting**

Unless a recorded vote is demanded under Rule 4.25.4 the [Chair] [Mayor] [Presiding Member] will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

4.25.4 **Recorded Vote**

If [*insert number*] Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

4.25.5 **Right to Require Individual Vote to be Recorded**

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

4.25.6 **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 the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.26 **Minutes**

4.26.1 **Signing the Minutes**

The [Chair] [Mayor] [Presiding Member] will sign the minutes of the proceedings at the next suitable meeting. The [Chair] [Mayor] [Presiding Member] will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

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

4.26.3 Form of Minutes

Minutes will contain all motions and amendments in the form and order the [Chair] [Mayor] [Presiding Member] put them.

4.27 **Record of Attendance**

All Members 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.

4.28 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rule 4.30 (Disturbance by Public).

4.29 **Members' Conduct**

4.29.1 Speaking at Meetings

When a Member speaks at Full Council he/she must address the meeting through the [Chair] [Mayor] [Presiding Member]. If more than one Member signifies their intention to speak, the [Chair] [Mayor] [Presiding Member] will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

4.29.2 [Chair] [Mayor] [Presiding Member] Speaking

When the [Chair] [Mayor] [Presiding Member] speaks during a debate, any Member speaking at the time must stop.

4.29.3 Member not to be Heard Further

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

4.29.4 Member to Leave the Meeting

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

4.29.5 General Disturbance

If there is a general disturbance making orderly business impossible, the [Chair] [Mayor] [Presiding Member] may adjourn the meeting for as long as he thinks necessary.

4.30 **Disturbance by Public**

4.30.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the [Chair] [Mayor] [Presiding Member] will warn the person concerned. If they continue to interrupt, the [Chair] [Mayor] [Presiding Member] will order their removal from the meeting room.

4.30.2 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] [Mayor] [Presiding Member] may call for that part to be cleared.

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

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

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

4.32.1 Suspension

All of these Council Rules of Procedure except Rule 4.20.5, 4.25.5 and 4.26.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 4.20.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

4.32.2 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.

4.33 **Application to 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] [Executive]. Only Rules 4.13 to 4.16, 4.19 to 4.22, 4.24 to 4.33 (but not Rule 4.29.1) apply to meetings of committees and sub-committees.

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

4.34.1 The substitution rules will not apply to meetings of the [Cabinet] [Executive], the Standards Committee or the Audit Committee.

- 4.34.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.
- 4.34.3 The [Head of Legal and Democratic Services] [other] will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.
- 4.34.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.
- 4.34.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 4.34.6 Substitute Members may attend meetings in that capacity only:
- (a) to take the place of the ordinary Member for whom they are designated substitute;
 - (b) where the ordinary Member will be absent for the whole of the meeting; and
 - (c) where the ordinary Member or that Member's political group has notified the [Head of Legal and Democratic Services] [other] of the intended substitution at least one hour before the start of the relevant meeting.