

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. 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:

- (i) those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and the Amendment Regulations 2009 to be adopted by the Council:
 - Children and Young People's Plan (now incorporated in the Community Strategy);
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Health and Wellbeing Strategy (now incorporated in the Community Strategy);
 - Local Transport Plan;
 - Plans and alterations which together comprise the Development Plan;
 - Welsh Language Scheme;
 - Youth Justice Plan;
 - Powers to approve a Young People's Partnership Strategic Plan and a Children and Young People's Framework Partnership;
 - Housing Strategy;
 - Rights of Way Improvement Plan.
- (ii) those other plans and strategies which Chapter 3 of the Assembly Guidance recommends should be adopted by the Council as part of the Policy Framework:

- Children First Plan;
 - Corporate Plan;
 - Housing Operational Plan;
 - Housing Stock Business Plan;
 - Lifelong Learning Development Plan;
 - Policy Agreements.
- (iii) plans and strategies other than those listed above will be the responsibility of the Cabinet.

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 **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 16** for how the Council can 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 five hundred 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 Sections 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 Senedd Cymru 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(s) in accordance with Standing Orders – see **Section 5.3**;
- 4.6.5 approving the appointment or dismissal of the Chief Executive, and the determining of the remuneration of any Chief Officer;
- 4.6.6 making or confirming the appointment of the Chief Executive;
- 4.6.7 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;
- 4.6.8 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;
- 4.6.9 changing the name of the area or conferring the title of freedom of the County Borough;
- 4.6.10 making, amending, revoking re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or Personal Bills;
- 4.6.11 all Local Choice Functions set out in **Section 14** of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- 4.6.12 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;
- 4.6.13 preparing an annual report on the extent to which the Council has met its performance requirements;
- 4.6.14 keeping under review the extent to which:
 - (a) It 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;

- 4.6.15 Approving, reviewing and amending the Council's Petition Scheme;
- 4.6.16 To make arrangements for independent Panel Performance Assessment reports into which the Council is meeting its performance requirements and respond to the reports;
- 4.6.17 considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
- 4.6.18 To consider annual reports produced by the Council's Standards Committee; and
- 4.6.19 all matters which by law must be reserved to the Council (e.g. appointing the Chair of the Democratic Services Committee and approving the Pay Policy Statement).

4.7 **Membership**

4.7.1 All Members of the Council shall be Members of Full Council.

4.7.2 **Chairing the Council**

- (a) The Councillor elected annually by the Council as its Chair will be called the "Mayor".
- (b) The Mayor will cease to be Mayor 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 Mayor after an election until their successor has been appointed.

4.7.3 **Role and Function of the Chair ("Mayor")**

The Chair of the Council and in his/her absence, the Vice-Chair ("Deputy Mayor") will have the following roles and functions:

(a) *Ceremonial Role*

The "Mayor" of the Council:

- (i) is the civic leader of the Vale of Glamorgan Council;
- (ii) promotes the interests and reputation of the Council and the Vale of Glamorgan 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*

- (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 are able to hold the Cabinet and Committee Chairs to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to attend such civic and ceremonial functions as the Council and he / she determines appropriate;
- (vi) to carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

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 twenty one 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 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) receive any announcements from the Chair, the Chief Executive and Cabinet Members;
- (e) elect the Leader(s) of the Council (see **Section 5.3**);
- (f) be told by the Leader(s) the name of the Member chosen to be Deputy Leader(s) and the number and names of Members to be appointed to the Cabinet and their portfolios/responsibilities;
- (g) appoint the Scrutiny Committees, 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 14** of this Constitution);
- (h) approve a programme of ordinary meetings of the Council for the year, unless the Council has previously agreed a programme at an earlier meeting; and
- (i) 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 will:

- (a) decide which 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) receive nominations of Councillors to serve on each Committee;
- (e) make appointments to those Committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

4.11 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting unless the Council has previously agreed a programme at an earlier 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;

- 4.11.4 receive any announcements from the Chair, Leader(s), members of the Cabinet or the Chief Executive and to receive petitions;
- 4.11.5 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- 4.11.6 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.11.7 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 for debate;
- 4.11.8 consider motions; and
- 4.11.9 deal with questions from Members in accordance with **Rule 4.18**;
- 4.11.10 receive questions from, and provide answers to, the public in accordance with the Council's published procedure.

4.12 Extraordinary Meetings

4.12.1 Calling Extraordinary Meetings

The Proper Officer may call Extraordinary Council meetings in addition to ordinary meetings. Those listed below may request the Proper Officer to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Chair of the Council;
- (c) the Monitoring Officer;
- (d) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and he / she 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 of business contained in the request for the extraordinary meeting, together with Apologies, the Roll Call and Members' Declarations of Interest and there shall be no consideration of previous minutes from Council.

4.13 Time and Place of Meetings

The time and place of meetings will be determined by the Proper Officer and notified in the summons.

4.14 Notice of and Summons to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in **Section 15**. At least five clear days before a meeting, the Proper Officer will send a summons in his/her name to every Member of the Council or Committee or leave it at their usual place of residence. 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. Where these rules apply to committee and sub-committee meetings, references to the Chair should instead be read as reference to the Chair of that committee or sub-committee.

4.16 Quorum

The quorum of a meeting will be one quarter of the whole number of Members, apart from committees comprising eight Members or less, when the quorum shall be three Members. During any meeting, if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.17 Remote Attendance

4.17.1 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's Procedure for Multi-Location Meetings.

4.17.2 For the purposes of section 4.17.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

4.17.3 Multi-Location Meetings Policy

(a) Introduction

Under the Coronavirus Act 2020, Welsh Ministers issued Regulations (The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, 'the 2020 Meeting Regulations') which temporarily relaxed the rules for Local Authority meetings during the COVID-19 pandemic. The 2020 Meeting Regulations were intended to enable Councils to safely continue to discharge their functions during the pandemic, whilst adhering to public health restrictions and guidance.

The provisions of the 2020 Meeting Regulations ended on 30th April 2021 and were replaced by new provisions for Local Authority

meetings made under the Local Government and Elections (Wales) Act 2021 ("the Act"), some of which were to take effect from 1st May 2021 and others from 5th May 2022.

In August 2021, Welsh Government published Interim Statutory Guidance on Multi-Location Meetings which can be found at: <https://gov.wales/sites/default/files/publications/2021-08/interim-statutory-guidance-on-multi-location-meetings.pdf>

4.17.3.1 What is a Multi-Location Meeting?

- (a) A Multi-Location Meeting (MLM) is a meeting whose participants are not all in the same physical place. Some of the participants may be physically located in the meeting venue whilst others join from their home or other remote location.
- (b) Under the Act Welsh Government provisions confer on Local Authorities duties to convene MLMs to enable greater accessibility and public participation in the Local Government decision making process.
- (c) Section 47 of the Act required Local Authorities to make and publish arrangements that ensure that Local Authority meetings are able to be held by means of any equipment or other facility which enables meeting participants who are not in the same place to attend the meetings and be able to speak to and hear each other. (This provision came into force on 1st May 2021 and the Council's Policy for this provision was approved under an Emergency Power in April 2021 and inserted into the Council's Constitution.)
- (d) However, from 5th May 2022 meeting participants must not only be able to speak to and hear each other but for meetings which are required to be broadcast under Section 46 of the Act participants actively taking part in the meeting must also be able to see and be seen by each other.
- (e) When considering arrangements for MLMs or Remote attendance the Authority will also have regard to Welsh Government guidance and / or regulations issued by Welsh Ministers.
- (f) Section 2 of Welsh Government's Interim Statutory Guidance sets out a number of principles to guide Authorities when developing their meeting arrangements which are transparency, accessibility, good conduct, Welsh Language, local needs and future generations. The Guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the

4.17.3.2 Broadcasting of Meetings

Section 46 of the Act requires that the Authority shall ensure that meetings of a Principal Council (paragraph 21.2 refers) are broadcast live and are available to view electronically save for when the meeting is not open to the public (Part II – confidential or exempt information). The livestreaming of the meeting shall be published on the Council's website and archived thereafter for future viewing.

4.17.3.3 Notice of a Meeting

- (a) The Authority will ensure that the relevant information shall be included on the Notice of the Meeting (Agenda) advising out how the Committee Members, Officers and the public may attend the meeting.
- (b) The Act requires that Notices of Meetings and electronic information relating to meetings (i.e. including notices of meetings, agendas, reports and background papers) must be published on the Council's website and must remain available in an electronic format and be available for a minimum of six years following the date of the meeting.

4.17.3.4 Agendas, Reports, Decision Notices, Minutes and Background Papers

- (a) Agendas, Reports, Decision Notices and Minutes of formal meetings will be published on the Authority's website. A small number of hard copies shall be available to members of the public physically attending a meeting. Agenda papers are normally available five clear working days prior to a meeting.
- (b) Decision Notices of a meeting (that came into effect under the Act in May 2021) must show decisions made; names of those present; apologies; declarations of interest and outcome of any votes and must be published on the Authority's website within seven working days of the meeting taking place, including the day of the meeting.
- (c) From May 2021 background papers must have also been published on the Authority's website.
- (d) There is no longer a requirement to post Notices of Meetings at the Council's offices. However, hard copies of agendas and reports must be available for the public if meetings are held physically and the Council is also

required to make public access provision for members of the public who cannot access documents, for example by providing access to computers, limited copies of documents at meetings or via a fee or making documents available for inspection.

4.17.3.5 How are Physical or Multi-Location Meetings (MLMs) Conducted?

- (a) MLMs are meetings of the Council or its Committees whose participants are not all in the same physical place. Such meetings can either be held:
- Hybrid – with some participants joining through remote means and some attending physically in the same place as others; or
 - Entirely Remote – whereby all participants are taking part via remote means.
- (b) Hybrid Meetings – will be conducted and broadcasted via the Council's hybrid meeting solution provider, CIVICO, from the Council Chamber (save for meetings either partly or wholly confidential in nature).
- (c) Remote only meetings – will be conducted via Microsoft TEAMS and broadcast live via OBS software through YouTube (save for meetings either partly or wholly confidential in nature).
- (d) Entirely physical meetings – will usually be held in the Council Chamber at the Civic Offices, Holton Road, Barry and broadcast via the Council's Hybrid meeting solution provider, CIVICO, (save for meetings either partly or wholly confidential in nature).

4.17.3.6 How Can I Participate or Observe a Council Meeting?

- (a) A participant at a meeting with the Vale of Glamorgan Council is defined as a person who takes an active part in the meeting. They may be an Elected Member, a Co-Opted Member (with or without voting rights), an officer of the Authority, a person giving evidence to a Committee as a witness, a person who has registered to speak at a Committee (in accordance with Council procedures), someone presenting a question at a Full Council meeting (under the Council's procedure) or a representative from an outside organisation on a Committee. [View Public Speaking Guides](#)

- (b) A member of the public, not participating in a meeting, will be able to observe a meeting by either attending in person where a physical or Hybrid meeting is taking place and/or observing a Remote or Hybrid meeting. An observer at a meeting is defined in the Interim Statutory Guidance as a member of an audience, or otherwise spectating who may be in the same room that a meeting is taking place or they may be observing by remote means.
- (c) Covid-19 has had an impact on physical numbers permitted in venues. As a result the number of persons permitted in a Meeting Room may (depending on the situation, any guidance and regulations in force at the time) be reduced and will need to be reviewed regularly in line with Welsh Government Regulations and in line with the Council's risk assessments and with safety measures being put in place to support safe access and use.

N.B. On occasions where physical space for attendance at a meeting may be limited (e.g. as a result of the COVID pandemic) or where there may be technological issues, the Chair of a meeting, essential officers supporting the meeting and simultaneous translators will be afforded priority for attendance. With regard to any further attendees the Chief Executive, and / or the Monitoring Officer and / or the Head of Democratic Services in conjunction with the Leader of the Council and / or Committee Chair will make any such further determinations. Should technical issues prevent live transmission all efforts will be made to ensure a recording of the meeting is made and uploaded to the Council's website.

- (d) The Head of Democratic Services, in consultation with Facilities Management, shall ensure that the maximum physical numbers permitted is clear and that the following system will be put in place:

(i) Members

The Head of Democratic Services, in conjunction with the Chief Executive and Monitoring Officer, shall inform each Political Group Leader of the number of their members allowed into the Meeting Room (the calculation will be based on the proportional representation of that Council Body and the Council's risk assessments). For Committees which have Co-Opted Members and Observer Representatives, the Head of Democratic Services will inform the Chair of each Committee of the number of Members (including Co-Opted Members) allowed into a meeting room in exceptional circumstances.

(ii) Officers

The Head of Democratic Services shall liaise with the Chief Executive, Monitoring Officer / Head of Legal and Democratic Services and Head of Finance to ensure that the relevant officers are physically present where appropriate.

(iii) Members of the Public

Members of the public who wish to attend a physical meeting in the Council Chamber will be able to observe from the public gallery however, should the number of members of the public that wish to be present exceed the maximum number permitted in the Council Chamber seats will be allocated on a first come first served basis.

- (e) With regard to observing Remote and / or Hybrid meetings, members of the public will be able to view a meeting by accessing the link to the meeting online. Members of the public who do not have access to the internet to view live broadcasted meetings can request to attend a public viewing in a suitable location in the Civic Offices by contacting Democratic Services at least 48 hours prior to the meeting.
- (f) Councillors are encouraged to bring their Council devices to physical meetings so that they can view the agenda papers online.
- (g) A participant at a meeting (as defined in paragraph 6.1 above) wishing to speak in Welsh or a person wishing to use the Welsh Language translation service, at a meeting is required to contact Democratic Services at least 72 hours before the meeting.

4.17.3.7 Quorum

- (a) The quorum of a meeting is one quarter of the voting Members unless specified otherwise within the Council's Constitution. The quorum shall include those attending Remotely, at a Multi-Location or physically; providing they are able to speak and be heard by each other and to see and be seen by others when actively participating in proceedings.
- (b) If the numbers present fall below the quorum required, the meeting ends immediately.

- (c) Apologies for absence by an Elected Member for a meeting can be accepted by Democratic Services up to the publication of the Decision Notice for the meeting i.e. up to seven days from the meeting (the seven days will include the day of the meeting as per the Act).

4.17.3.8 Withdrawal from a Meeting due to a Prejudicial Interest

- (a) Should an Elected Member declare a Prejudicial Interest at a Physical, Multi-Location or Remote meeting, the Member must withdraw from the meeting unless they have obtained a dispensation from the Council's Standards Committee. However, where Members of the public are able to speak at a meeting, the Elected Member can also remain to make their representations but must leave after their representations are made. (For further information on declarations of interests at meetings see Council's Constitution.)
- (b) The Elected Member will be invited back into the meeting once the item relating to the prejudicial item has concluded. Should that person not respond to the call to re-join, the meeting will continue without them, providing it is quorate.

4.17.3.9 Voting

- (a) Voting will either take place electronically, via a roll call or a mixture of both.
- (b) All voting results will be announced by either the Chair, the Chief Executive, the Monitoring Officer or the Democratic Services Officer before moving to the next item of business.
- (c) Should a Member leave the room and not return, their vote will not be able to be provided by another Member. However, if the voting device or audio on the laptop is unavailable the Member may use the message facility in the Remote software to relay their vote to the Chair.
- (d) Unless a recorded vote is requested in accordance with the Council's Constitution, the Chair will seek a consensus from Members. If no objections are received the recommendations will be considered as carried ("no dissent").
- (e) In both a Hybrid or Remote meeting the vote will be carried out electronically and the names of those voting for, against or abstaining will be automatically recorded. If a physical

roll call of votes is taken this will be undertaken by the Chief Executive, Monitoring Officer or Democratic Services Officer at Full Council and for any other meeting by the Democratic Services Officer.

(f) If a Member cannot initially be contacted to provide their vote, the officer will return to the Member and following a second attempt, if no response is received and the meeting remains quorate, the Member will be considered not present for that part of the meeting.

(g) Remote attendees **should** only use the chat facility in the software system to:

- Alert the Chair if they wish to speak; or
- If their audio fails to advise of the vote they wish to make.

It is also important to note that any information recorded in the chat facility will be a matter of public record which may be subject to a Freedom of Information request.

N.B. In the Microsoft TEAMS meeting platform Members may also indicate to the Chair that they wish to speak by activating the "Raise Hand" function. When using the CIVICO Hybrid meeting solution Members are required to activate the "Request to Speak" button which will add them to the speaking queue managed by the Chair and / or Democratic Services Officer.

(h) The chat facility **is not to be used for discussions** as all discussions must be made verbally in the meeting for the sake of individuals observing the meeting and / or the meeting recording if a recording is being made.

4.17.3.10 How Will Exempt Matters be Dealt With?

The Chair of the meeting shall inform the public when the meeting is moving into private session (Part II). The recording must cease before any discussion on the item commences. The Democratic Services Officer will confirm with the Chair when the recording has been stopped.

4.17.3.11 Multi-Location / Remote Attendance – Is a Member "Present"?

(a) Multi-Location and Remote meetings provide additional challenges in terms of meeting attendance. There are a variety of circumstances in which this might become an

issue e.g. taking of votes, loss of connection (WiFi or mobile).

- (b) To be considered present, the Member must be able to speak and be heard and to see and be seen by others if the meeting is broadcasted. At a meeting the Monitoring Officer and / or Democratic Services Officer shall provide the local determination and will consider issues such as temporary interruptions associated with connection issues.
- (c) Any failure in technology / connectivity which results in Members' loss of contact during the meeting shall not invalidate any part of the deliberations or any vote taken. The Chair of the Committee may adjourn the meeting if they consider appropriate whilst any technical issues are resolved.

N.B. Both meeting platforms operated by the Council have a participants list function which demonstrates to the Chair and Democratic Services Officer which participants are connected to the meeting at any given time.

4.17.3.12 Public Questions at Council and Public Speaking Procedures

- (a) Should a member of the public wish to ask a question at Full Council meetings they must give notice in line with the Council's procedure which can be found at (https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/Public-Participation-at-Council-Meetings.aspx)
- (b) Public speaking procedures for Committees (where procedures are in place) can also be found at: (https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/Public-Participation-at-Council-Meetings.aspx)

4.17.3.13 Formality and Privacy at Meetings

- (a) When attending Remote or Hybrid meetings (MLMs) Elected Members and any participants must ensure that the room from which they are accessing the meeting is secure and must ensure that the door of the room is closed so that no disturbance occurs during the course of the meeting as it is important to ensure a degree of formality in the proceedings.
- (b) Participants are encouraged to use a suitable "corporate" background. (A library of "corporate" background images will be made available to Members for their use.)

Remember that as proceedings will be live, viewers will effectively be able to view you working in your home.

- (c) Members are reminded of their responsibilities under the Members' Code of Conduct during meetings and in particular when considering exempt items during a meeting. Members should ensure that they cannot be overheard during discussions around confidential information. Members should consider the use of headphones for such meetings and make sure that they plan ahead.

4.17.3.14 Etiquette at Remote / Multi-Location Meetings

- (a) Participants should:
 - (i) Dress appropriately for the meeting;
 - (ii) Ensure that their microphone is muted if not speaking;
 - (iii) Respect the Chair and others present;
 - (iv) Behave appropriately and be mindful of the Members' Code of Conduct; and
 - (v) Use the chat facility appropriately.
- (b) Disruptive Behaviour – If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting. With regard Elected Members, the procedure outlined within the Council's Constitution will apply (see Section 4.27).

4.17.3.15 All meetings will be facilitated by a Democratic Services Officer.

4.17.3.16 The following ICT equipment will be required by participants for Hybrid and Remote meetings –

- Microphones / Headsets;
- Cameras – if meeting is broadcasted;
- High speed Internet access; and
- Access to the relevant software (Chrome - internet browser) being used for the meeting.

4.17.3.17 Viewing and Attending a Meeting Links

- (a) For Members of the public wishing to view the meeting the link to the agenda and to the broadcasting of the meeting will be available on the Council's website.

- (b) A link will be sent to Participants attending irrespective of whether the meeting will be undertaken via Hybrid or Remote means.

4.17.3.18 Calendar of Meetings

- (a) The Council's Calendar of Meetings is agreed by Cabinet on an annual basis and can be found on the Council's website at [\[Council Meetings\]](#). The Calendar will also include details of the time of the meeting. However, meetings can be subject to change or additional meetings included in the Calendar by the Chair of a Committee and / or the Chief Executive, as and when required. For details of the venues or whether meetings will be held Hybrid or via Remote means members of the public are requested to view the agenda papers online once published in advance of the meeting (see Section 4 above).
- (b) Following Local Government Elections the Council will have the opportunity to determine the most suitable date and time for meetings to take place. The Council will also be able to consider each Municipal year which meetings will be held predominantly physically, Remotely or Hybrid and also have regard to the Council's Diversity Action Plan.

4.17.3.19 Invitations to Meetings for Participants

- (a) Invitations will be provided to all meeting participants electronically, and the invitation will detail whether the meeting will be Hybrid, Remote or physical.
- For meetings taking place on the CIVICO Hybrid meeting solution, Members will receive a Microsoft Outlook calendar meeting reminder for the meeting but will be required to log into their CIVICO account to join the meeting at the appropriate time.
 - For meetings taking place on Microsoft TEAMS, the URL joining link for the meeting will be included within the Outlook invitation itself.
- (b) Elected Members and officers will be provided with a shortcut icon on their Vale of Glamorgan desktop to connect to both the CIVICO Hybrid meeting solution and Microsoft TEAMS, whether the meeting is being held Remotely or Hybrid (CIVICO only).
- (c) Other participants attending remotely – members of the public and / or witnesses – will be sent a URL link to join the meeting.

- (d) Prior to meetings Democratic Services Officers who support each of the Council Committees will also get in touch with registered speakers and / or witnesses to provide assistance if required.

N.B. All participants are advised to contact Democratic Services at Democratic@valeofglamorgan.gov.uk or telephone 01446 709413 at least 48 hours before the meeting should they require assistance prior to the meeting.

4.17.3.20 Record of Attendance

- (a) The attendance of each Committee member will be recorded by the Democratic Services Officer supporting the Committee. These records will be combined or added to the Decision Notice and minutes of the meeting and published on the Council's website.
- (b) Committee members are to inform Democratic Services no later than seven days (including the day of the meeting) if they are unable to attend a meeting and their apologies will be recorded in the Decision Notice and thereafter the minutes of the meeting.

4.17.3.21 Broadcasting of Meetings

- (a) The broadcasting of meetings does not replace the formal record of the meeting and together with the decisions taken will be published on the Council's website and retained in hard copy in accordance with the Council's retention policy.
- (b) Having regard to section 46 of the Local Government and Elections (Wales) Act 2021 the meetings to be conducted and broadcast on a Hybrid basis, (excluding meetings that are wholly or in part confidential in nature) are Full Council, Cabinet, Planning, Governance and Audit Committee meetings and a Scrutiny Committee meeting that is to consider a matter of significant County wide interest. The matter of significant County wide interest being determined by the Chair of the Scrutiny Committee in conjunction with the Chief Executive.
- (c) Other Committee meetings (including the Annual Meeting) will be conducted and broadcast on a Remote basis (excluding meetings that are wholly or in part confidential in nature) or unless determined otherwise by the Chair of the relevant Committee in conjunction with the Chief Executive and / or Monitoring Officer and / or Head of Democratic Services). Some meetings such as the Senior Management Appointment Committee may be conducted

on an 'in person' basis only (e.g. where interviews are being conducted) and as such will not be broadcast where they are wholly or in the main Part II in nature.

- N.B. All Committee meetings will be undertaken, as outlined in Section 21 above, and broadcast live on the Council's website and the recordings uploaded thereafter for future viewing on the Council's website.
- (d) All agendas on the Council's website will clearly state whether the meetings will be held via Hybrid or Remote means and / or held physically.

4.17.3.22 Online Meeting Platforms

The Council will use the CIVICO Hybrid meeting platform as its primary Remote / Hybrid meeting solution for conducting and broadcasting Hybrid meetings and Microsoft TEAMS for Remote meetings. The logistic and technical requirements for managing video and audio recordings for members sharing a physical space alongside individuals joining remotely requires specialist technology which is currently being met via the Council's webcast provider CIVICO. Members are encouraged to use their Vale devices whilst attending meetings. Members of the Committees will also have access to the Microsoft TEAMS meeting platform for use in Remote meetings and informal day to day discussions and correspondence.

- N.B. Members are responsible for ensuring access to adequate high-speed internet when joining remotely. Advice can be provided on minimum standards where required. The Council accepts no responsibility should a Member choose to use a personal device and encounters connectivity issues prior to or during a meeting they wish to attend.

4.17.3.23 Attendance at Meetings Whilst out of the Country

- (a) Members wishing to attend meetings whilst out of the Country and using their own personal or Vale of Glamorgan Council devices will be able to do so by accessing free Wifi facilities as the Council will not be able to reimburse costs. However, to enable access to meetings on Vale laptops abroad Members will be required to notify the ICT Service Desk and / or Democratic Services at least **two weeks** prior to departure so that the necessary security measures that will be required can be put in place on the device in time.

- (b) Should Members wish to access meetings using mobile phones, due to the cost of international calls the Council would not be able to reimburse call costs with access via phones personal or otherwise then being a matter for the Member.
- (c) Technical support on any Council supported devices whilst abroad will not be able to be provided by the Council's ICT or Democratic Services Officers.

4.17.3.24 Confidential and Exempt Information (Part II)

- (a) Some information, in accordance with Legislation, may not be able to be made publicly available. This is known as confidential or exempt information (Part II). When such information is to be considered at a formal meeting the documents will only be made available to those entitled to view them on the Council's internal network. Such matters are usually scheduled at the end of an agenda in order to minimise any inconvenience to observers who will be required to leave the meeting prior to the items being considered. The Chair will request that members of the public and press are excluded from the meeting (whether the meeting is being held by Remote, Hybrid or physical means) before continuing with the agenda. Any recording of the meeting will also cease.
- (b) If a meeting is being broadcast the recording will be paused and a notification displayed on the broadcast that the meeting is no longer open to the public.

4.17.3.25 Training

All Members and officers will receive training to be able to participate at meetings which will include the use of the meeting platform software for joining Remote meetings and the use of the microphones in the Council Offices when meetings take place physically in the building. Other participants will also receive support from Democratic Services regarding how to access the meeting.

4.17.3.26 Support for Meetings

In the first instance support for meetings will be provided by Democratic Services Officers who will ensure the following:

- Agendas to be emailed electronically (normally at least 5 clear days before the meeting);
- Monitor attendance at Remote meetings and will assist any participant to join or re-join the meeting;

- Facilitate the meeting, voting and take the minutes of the meeting. (Voting at the meeting will be undertaken in adherence to the requirements of the Council's Constitution and in line with Section 9 of this Policy)
- Facilitate the recording and livestreaming of meetings (in conjunction with an ICT officer).

Privacy Notice for Democratic and Scrutiny Services

(This Privacy Notice is supplemental to the Council's Corporate Privacy Notice linked below)

https://www.valeofglamorgan.gov.uk/en/our_council/Website-Privacy-Notice.aspx

This Privacy Notice is specifically for Democratic and Scrutiny Services.

Democratic and Scrutiny Services provides support and administration for the Council's Committee system in order for it to operate effectively.

In particular it:

- Organises and schedules meetings,
- Decides whether the meeting will be public,
- Issues public notices in relation to the meeting,
- Invites individuals to attend,
- Deals with correspondence received in relation to the business of the meeting,
- Deals with queries in relation to business of the meeting,
- Takes minutes of the relevant meeting,
- Issues agenda papers and minutes,
- Deals with any other issue relevant to the business of the meeting,
- Arranges for the retention of documents and reports relating to the Committee.

In the context of this notice the word meeting includes:

- Council meeting
- Council Sub Committee meeting
- Scrutiny Committee
- Scrutiny Sub Committee meeting
- Education Appeals Committee
- Audit Committee
- Any other meeting supported by Democratic and Scrutiny Services

In order to promote open Government and Democracy most of the Council's meetings are held in public and accordingly anything discussed at those meetings will be public and any minutes, recordings or webcasts will also be public. There are some circumstances however where it is not appropriate for matters to be discussed in public, for instance the personal business of individuals or information that is financially/ commercially sensitive. The agenda of the meeting will make it clear how information is to be treated.

Accordingly, if:

- you are submitting information to be discussed at a Committee, or
- you are attending a Committee to speak, or
- you are submitting documents to a Committee, or
- you are submitting petitions to a Committee
- you are submitting representations to a Committee
- you are submitting or providing documents / petitions on behalf of others.

This information will be dealt with openly and in public unless the meeting, or part of the meeting, discussing it is not held in public in accordance with the exempt information provisions in the Council's Constitution

If you are obtaining information from third parties, you need to ensure that they understand the above and **consent** to their information to be put into the public domain. The Council may ask you to confirm this, and information may not be further published unless we are satisfied that third parties have been made aware of this.

How do we collect information from you?

We collect information from you when you visit www.valeofglamorgan.gov.uk. Also, when you contact us in writing, speak to us on the phone, email or talk to us face to face.

What types of information do we collect from you?

In order to provide the service, the Council may need to process some or all of the following categories of personal information about members of the public or elected Members:

- Name and title
- Address
- Contact number
- Email address
- Comments in relation to Council business

- Special requirements to access meetings, including speaking in Welsh

How is your information used?

In accordance with our public tasks the following applies:

- To be used at the meeting as set out above and where necessary names and comments made recorded in the minutes,
- When registering to speak at Committees, members of the public's details will be entered into a Council computer database.
- Any registrations to speak at Committee meetings and any information submitted to Councillors and Democratic and Scrutiny Services may be shared with Council Officers and affiliated partners (e.g., organisations the Council works with collaboratively to deliver services) for their professional observation and consideration.
- Any written correspondence received may be kept on file for future reference by the Council.
- Enable Members or Officers of the Council to investigate or assist with any issues which you may have raised. Also, so we can notify you of any updates.
- Refer your public representations across Committees in order to inform decision making.
- If your express permission is given, share with other members of the public who have registered to speak in order to nominate a spokesperson.

Who has access to your information?

We will generally only share personal data with Vale of Glamorgan Council staff or elected Members who need it to perform their functions. However, as outlined above, if discussed in a public meeting the information will be publicly available.

In addition, we may rely on a number of exemptions, which allow us to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing.

Lawful bases

Our **lawful bases** for processing your personal information are:

- Consent.
- The processing is necessary for the performance of a task carried out by us in the public interest or in the exercise of authority vested in us.

- The processing is necessary in order to protect your vital interests or those of another individual.
- The processing is necessary for compliance with a legal obligation to which we are subject.

What are your rights in relation to the personal data we process?

- **Access** – you can request copies of any of your personal information held by the Council.
- **Rectification** – you can ask us to correct any incorrect information.
- **Deletion** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.
- **Portability** - you can ask us to transfer your personal data to different services or to you.
- **Right to object or restrict data processing** – you have the right to object to how your data is being used and how it is going to be used in the future.
- **Right to prevent automatic decisions** – you have the right to challenge a decision that affects you that has been made automatically without human intervention

How long will we keep your information for?

We keep and dispose of all records in line with our record retention schedule.

Please contact the Democratic and Scrutiny Services Department on 01446 709 855 or Democratic@valeofglamorgan.gov.uk for further information.

What security precautions are in place to protect the loss, misuse, or alteration of your information?

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration, or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend you take every precaution to protect your personal information.

Broadcasting

Please note that certain meetings of the Vale of Glamorgan Council will be broadcast, you will be informed verbally if the meeting you are at will be. If it is then this means that you are being recorded both visually and in sound and that is made available on the internet. This is done for the purposes of supporting and promoting democratic

engagement and public interest. We will retain the data for 6 years and then offer it to the archivist at the Glamorgan Records Office for permanent retention. You have the right to apply to access, rectify, restrict, object, or erase this data.

Complaints

If you would like to make a complaint regarding the use of your personal data, you can contact our Data Protection Officer:

By post: Freedom of Information Unit
Civic Offices, Holton Road, Barry, CF63 4RU.

By phone: 01446 700111.

By email: DPO@valeofglamorgan.gov.uk

For independent advice about data protection, privacy, and data sharing issues, you can contact the Information Commissioner's Office (ICO) at www.ico.org.uk

For further information regarding this procedure please contact:

Democratic Services via email –
Democratic@valeofglamorgan.gov.uk

Address: Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU

Phone Number: 01446 709413

N.B. This policy is in addition to the Council's Remote Meeting Procedures / Rules that can be found on the Council's website (https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/Procedures-for-Meetings-During-COVID-19-Pandemic/Procedures-to-Conduct-Meetings-During-the-COVID-19-Pandemic.aspx) and the Council's Procedure Rules as contained within this Constitution.

4.18 Questions by the Public

Anyone who is on the Vale of Glamorgan Register of Electors or is a Vale of Glamorgan Council taxpayer or non-domestic ratepayer may submit, in advance, a question at Full Council meetings. Full details of the procedure can be found on the Council's website. Questions must be received at least ten working days prior to the meeting.

4.18.1 Scope of Questions

The Proper Officer will reject a question if it:

- is about a matter for which the Council has no responsibility or does not specifically affect the Vale of Glamorgan
- is defamatory, frivolous or offensive
- relates to a complaint (these should be channelled via the Council's formal complaints procedure)
- relates to the questioner personally or their family
- relates to a specific planning application or application for licence
- relates to a specific Member, Council employee or member of the public
- is substantially the same as a question which has already been put at a meeting of the Council in the past six months
- requires the disclosure of confidential or 'exempt' information
- involves the preparation of an answer which would require the expenditure of a disproportionate amount of time, money or effort
- is not received at least ten working days prior to the meeting.

4.19 Questions by Members

4.19.1 On Reports of the Cabinet or Committees

A Member of the Council may ask the Leader(s), the relevant Cabinet Member or the Chair of a Committee any question without notice directly arising from an item of the report of the Cabinet 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 of the Council;
- (b) a Member of the Cabinet;
- (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 Vale of Glamorgan.

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 Vale of Glamorgan 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 notice in writing of the question to the Proper Officer by no later than 12.00 noon on the Wednesday of the week prior to the day of the meeting at which the question is to be asked

(N.B. In the event that an ordinary Council Meeting takes place on a day other than a Wednesday, questions must be submitted no later than 12.00 noon on the equivalent day of the preceding week); or

- (b) the question relates to urgent matters, they have the consent of the Chair or Member to whom the question is to be put and the content of the question is given to the Proper Officer by 12.00 noon on the day of the meeting.

4.19.5 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 received, unless determined otherwise by the Chair of the Council. All questions will be included in the Council agenda and will not be read out at the meeting. Replies from Cabinet Members will be read out and the provision for supplementary questions and replies will then ensue (see **Rule 4.19.7** below).

4.19.6 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 will be supplied to all Members.

4.19.7 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.

(N.B. In the event that an ordinary Council Meeting takes place on a day other than a Wednesday, questions must be submitted no later than 12.00 noon on the equivalent day of the preceding week.)

4.20 Motions on Notice

4.20.1 Notice

Except for motions which can be moved without notice under **Rule 4.21**, written notice of every motion, signed by at least two Members, must be delivered to the Proper Officer not later than ten clear days before the date of the 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 in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

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.

4.21 Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;

- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) to not hear further a Member named under **Rule 4.26.3** or to exclude them from the meeting under **Rule 4.26.4**; and
- (p) 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 may require it to be written down and handed to him/her 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 five minutes without the consent of the Chair.

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/she last spoke;

- (c) if his / her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she 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 (ii) to (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 disposed of.
- (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.

4.22.7 Alteration of Motion

- (a) A Member may alter a motion of which he/she 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/she 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/she 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 / her 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 4.27.3** or to exclude them from the meeting under **Rule 4.27.4**.

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 ask 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, he/she 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, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her 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, he/she 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 Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chair 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 on the admissibility of a personal explanation will be final.

4.23 **Previous Decisions and Motions**

4.23.1 Motion to Rescind a Previous Decision

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless a preliminary notice in writing of such motion or amendment signed by the Member proposing the same is delivered to the Proper Officer at the Civic Offices before the expiration of twenty four hours from the time of commencement of the meeting of the Council at which such resolution was passed and a confirmatory written notice signed by at least twelve Members of the Council and

setting out the proposed motion or amendment is delivered to the Proper Officer at the Civic Offices before the expiration of five days from the date of the meeting at which the resolution was passed.

4.23.2 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 twelve Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.24 Voting

4.24.1 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.

4.24.2 Chair's Casting Vote

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

4.24.3 Method of Voting

Unless a ballot or recorded vote is demanded under **Rule 4.24.4** or **Rule 4.24.5**, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4.24.4 Ballots

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

4.24.5 Recorded Vote

If six 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. A demand for a recorded vote will override a demand for a ballot.

4.24.6 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.

4.24.7 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 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.

4.25 Minutes

4.25.1 Signing the Minutes

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

4.25.2 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.

4.25.3 Form of Minutes

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

4.26 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 15** of this Constitution or **Rule 4.28** (Disturbance by Public) or as determined by the Proper Officer (i.e. Monitoring Officer). (N.B. If any particular meeting determines that a Part II report should be moved into Part I, the item must be deferred to the next meeting of the Committee in the interests of transparency (unless the Committee determines that the matter is urgent).

4.27 Members' Conduct

4.27.1 Speaking at Meetings

When a Member speaks at Full Council he/she must stand (unless otherwise agreed by the Chair) and address the meeting through the Chair. If more than one Member signifies their intention to speak, the Chair will ask one to speak and the others must sit. 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.

N.B. The Council Procedure Rules have been amended so that Members do not need to stand when addressing Annual Meetings and Full Council Meetings when held remotely. (Confirmed via the Chief Executive's Emergency Powers on 1st October, 2020.)

4.27.2 Chair Speaking

When the Chair stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

4.27.3 Member not to be Heard Further

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

4.27.4 Member to Leave the Meeting

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

4.27.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

4.28 Disturbance by Public

4.28.1 Removal of Member of the Public

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

4.28.2 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.

4.29 Filming and Recording During Meetings

Filming and recording of meetings will only be allowed if prior permission is sought in writing from, and granted by, the Proper Officer in advance of the meeting.

4.30 Suspension and Amendment of Council Procedure Rules

4.30.1 Suspension

All of these Council Rules of Procedure may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council or Committee (when being proposed at a Committee meeting) are present. Suspension can only be for the duration of the meeting.

4.30.2 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.

4.31 Family Absence for Members

Different Types of Family Absence

4.31.1 A Member may be entitled to family absence pursuant to the Local Government (Wales) Measure 2011, subject to compliance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 ("the Regulations"), as amended by the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021, as follows:

- (a) Maternity absence – for the mother of a child, granted up to a maximum of twenty six weeks;
- (b) Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks;
- (c) Adopter's absence – for the adopter of a child, for a period of up to twenty six weeks;
- (d) New adoption absence - for the partner of an adopter, for a period of up to two weeks; and
- (e) Parental absence – for a Member who becomes responsible for a child (and does not meet the conditions for newborn absence, adopter's absence or new adoption absence), for a period of up to three months.

4.31.2 Prescribed Conditions

The Regulations prescribe the conditions that Members must satisfy to be entitled to each type of family absence, make provisions regarding the durations, start, cancellation and end of periods of family absence, and set out the administrative process for dealing with family absences. A copy of the Regulations can be obtained from the

Council's Head of Democratic Services and must be referred to by any Member considering taking family absence.

4.31.3 Requirement for Member to give Written Notice

A Member intending to take family absence is required to give written notice to the Head of Democratic Services, specifying the type of family absence the Member intends to take and the intended start date, as well as certain other specified information in respect of particular types of family absence. Any changes to, or cancellation of, family absence must similarly be notified to the Head of Democratic Services. Members should refer to the Regulations for the prescribed information which must be included in the notice, and advice is available in this respect from the Head of Democratic Services.

4.31.4 Records and Notification of Family Absence

The Head of Democratic Services will keep a record of all notifications and periods of family absence taken and will inform the Mayor, the Chair of the Democratic Services Committee, and the leaders of each political group, and other recognised group, of the authority. The Head of Democratic Services may also inform any other persons, as he / she considers necessary, for example, fellow ward Members.

4.31.5 Cancellation of Family Absence by Council

4.31.5.1 If the Head of Democratic Services reasonably suspects that a Member may not be entitled to the family absence notified, he / she shall inform the Monitoring Officer. The Monitoring Officer may cancel or end a Member's family absence if he / she is of the view that the Member is not entitled to such absence in accordance with the Regulations.

4.31.5.2 In the event of a decision to cancel family absence, the Head of Democratic Services will give written notice to the Member concerned setting out the decision to cancel or bring to an end the period of family absence, and the date from which the Member must return from family absence. If the Member then fails to resume duties, the Council may withhold the Member's remuneration and take any other appropriate action.

4.31.6 Members' Right to Appeal against Cancellation

- (a) A Member may, within 28 days from being notified of a cancellation of family absence, complain in writing to the Head of Democratic Services regarding the cancellation.

- (b) The Head of Democratic Services will refer any complaint duly made regarding cancellation to the Mayor (or in his / her absence the Deputy Mayor).
- (c) The Member's complaint will be considered by a Panel constituted in accordance with the Family Absence for Members of Local Authorities (Wales Regulations 2013), which may either confirm the decision of the Monitoring Officer, or substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.
- (d) The decision of the Panel is final.

4.31.7 Performance of Duties – At Member's Request

4.31.7.1 A Member on maternity absence or parental absence may, subject to paragraphs 4.31.7.2 to 4.31.7.6:

- (a) Attend particular meetings;
- (b) Attend particular descriptions of meetings;
- (c) Perform particular duties; or
- (d) Perform duties of a particular description.

4.31.7.2 The Member must obtain the permission of the Mayor (or in his/ her absence the Deputy Mayor) before attending any meeting or performing any duty.

4.31.7.3 The Mayor (or in his / her absence the Deputy Mayor) will inform the leaders of each political group of the Council before granting permission under paragraph 4.31.7.2.

4.31.7.4 A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph 4.31.7.2.

4.31.7.5 The Head of Democratic Services will refer a complaint under paragraph 4.31.7.4 to the Mayor (or in his / her absence the Deputy Mayor) .

4.31.7.6 A Panel constituted in accordance with the Family Absence for Members of Local Authorities (Wales Regulations 2013) will determine a complaint made under paragraph 4.31.7.4.

4.31.7.7 The Panel may:

- (a) confirm the decision of the Mayor (or in his / her absence the Deputy Mayor) under paragraph (2); or

- (b) substitute its own decision as to the Member attending any meeting or performing any duty.

4.31.8 Continuing Duties

4.31.8.1 If a Member is on family absence leave and it would be difficult to replace that Member on a temporary basis, the Chair of Council can request that Member to attend a meeting if it might otherwise be inquorate.

4.31.8.2 A Member on family absence is expected to continue to observe and comply with any duties under the Members' Code of Conduct which remain applicable, including the duty to not bring the office of Member or the Council into disrepute and the duty to not use their position or the resources of the authority improperly or for private advantage (paragraphs 19.2.6. and 19.2.8 of Members' Code of Conduct, Council's Constitution).

4.31.9 Members' Allowances

In accordance with the determinations of the Independent Remuneration Panel for Wales, a Member on family absence is entitled, for the duration of the absence, to retain a basic salary and any senior salary for which the Member is eligible

4.32 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. Only Rules 4.14 – 4.31 (but not Rules 4.18 and 4.27.1) apply to meetings of Committees and Sub-Committees. Rules 4.23.1 and 4.23.2 do not apply to the Planning Committee.

4.33 Remote Meetings Procedure Rules

These Remote Meetings Procedure Rules have been adopted by the Council and have been made in compliance with Section 47 of the Local Government and Elections (Wales) Act 2021.

4.33.1 The Council will continue to undertake its calendar of meetings by use of virtual platforms until Welsh Government COVID 19 restrictions are lifted. Meetings of the Council that are open to the Public will be live streamed from 1st May 2021 (subject to some exemptions*), with accessibility for the Public to view Council meetings being provided via the Council's website. Where the Council has provision for Public speaking at meetings, persons who have registered to speak together with any expert witnesses required to attend, will be forwarded a direct link to attend a meeting.

N.B. * Meetings that will be exempted will be those that are for the most part confidential in nature (Part II) e.g. Early Retirement and Redundancy Committee, these meetings will not be live streamed but the minutes of the meetings will be uploaded to the website as soon as possible thereafter.

4.33.2 On the lifting of Welsh Government COVID 19 restrictions Hybrid meetings will be introduced i.e. a meeting solution that enables persons who are not in the same place to attend meetings, both physically and remotely. Meetings of the Council that are open to the public will be held via this method and the Council's website will provide details of accessibility.

4.33.3 Time and place – Meetings will be held at the time notified in the agenda but may be held in more than one place and may include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

4.33.4 Notice of meetings – At least three clear working days before a meeting, save in cases of urgency and/or where following such notice the meeting is moved or cancelled, the Chief Executive (or Deputy in his/her absence) will send an agenda by electronic means to every Councillor of the Council or relevant body. The agenda will give the date and time of each meeting together with the details for remote or hybrid access.

4.33.5 At such time as sending the notice of the meeting and the agenda, the relevant officer shall arrange for the notice of the meeting and the agenda together with copies of such reports as are available to be published on the Council's website.

4.33.6 Where a report becomes available after publication of the notice and agenda, the relevant officer shall send it electronically to all Councillors and arrange for a copy to be published on the Council's website as soon as practicable.

4.33.7 Quorum – The number of Councillors required to be present for a quorum for a meeting shall be as set out in the Constitution. However, for the purposes of determining whether a quorum of Councillors is present at a meeting the Mayor/Chair shall include all those Councillors in remote attendance. If at any time during the meeting the Mayor/Chair counts the number of Councillors present and declares that there is not a quorum present, the meeting will adjourn immediately. The remaining business will be considered on a date and time set by the Chief Executive in consultation with the Mayor/Chair and the Leader(s) of the Council.

4.33.8 Declaration of Interests – A Councillor who would ordinarily be required to leave the room during the consideration of an item of business due to the Councillor having a disclosable prejudicial interest

or to having such other interest as the Council's Code of Conduct may require the Councillor to do so, shall be deemed to have done so if the Councillor disconnects their remote access and remains disconnected until such time as the Mayor/Chair invites the Councillor to re-join the meeting.

4.33.9 Discussion of confidential business and disclosure of exempt information - Where a motion is passed to exclude the public and press from the meeting due to the discussion of confidential business or exempt information, the right of the public and the Press to see or see and hear, the meeting shall cease and their electronic access will be disconnected and in the case of physical attendance at a Council meeting be asked to vacate the room.

4.33.10 Conduct during meetings – Councillors in remote attendance or any member of the public exercising a right to speak in remote attendance shall only speak when called upon to do so by the Mayor/Chair and shall cease to speak when told to so by the Mayor/Chair.

N.B. This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution and to the Remote Meeting Procedures agreed under the use of the Chief Executive's Emergency Powers (formerly known as Managing Director's Emergency Powers) in 2020, which can be found on the Council's website on the following link:

https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/Procedures-for-Meetings-During-COVID-19-Pandemic/Procedures-to-Conduct-Meetings-During-the-COVID-19-Pandemic.aspx

4.34 Electronic Broadcasts of Meetings

Ordinary meetings of the Council will be broadcast live electronically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for six years after the meeting.