

Section 4 – CJC Procedure Rules

GENERAL

- 4.1 The Mid Wales Corporate Joint Committee (the “**CJC**”) is a corporate body established by the Mid Wales Corporate Joint Committee Regulations 2021.
- 4.2 The members of the CJC are the executive leaders of the Constituent Councils:
 - 4.2.1 Ceredigion County Council
 - 4.2.2 Powys County Council
 (“the **Council Members**”) and
 - 4.2.3 the Brecon Beacons Member (subject to Rule 4.7 below) and
 - 4.2.4 any Co-opted Member
 (together, the “**CJC**”).
- 4.3 The Brecon Beacons Member will be appointed by the Brecon Beacons National Park Authority (the “**National Park**”) and must be one of the following office-holders:
 - 4.3.1 The Chair of the National Park;
 - 4.3.2 The Deputy Chair of the National Park ; or
 - 4.3.3 The chairperson of a committee with responsibility for planning matters as may be established by the National Park.
- 4.4 Where a Council Member is not able to act as a member for any period, the Constituent Council of which that Council Member is a member must appoint another member of its executive to act on behalf of the Council Member for that period. Where the Brecon Beacons Member is not able to act as a member for any period, the National Park must appoint one of the other office-holders listed above at paragraph 1.2 to act on behalf of the Brecon Beacons Member for that period.
- 4.5 Provisions in the regulations establishing and regulating the CJC (the “**Establishing Regulations**”) in relation to the suspension of Council Members and/or the Brecon Beacons Member will apply.
- 4.6 Each Council Member will act as a member of the CJC in relation to all of the CJC’s functions.
- 4.7 The Brecon Beacons Member will act as a member of the CJC in relation to the Strategic Development Plan Function and any function that is ancillary or incidental to that function.
- 4.8 Where a Council Member or the Brecon Beacons Member is unable to act for any period the Council or the National Park of which they are member must appoint, in the case of a Council a member of the executive or in the case of the National Park a relevant office holder to act on his or her behalf for that period.
- 4.9 The CJC may by written agreement co-opt one or more individuals as members of the CJC (“**Co-opted Members**” and each a “**Co-opted Member**”). Provisions in the Establishing Regulations will apply in relation to such Co-opted Members who will act in accordance with their appointment.

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- 4.10 Council Members, the Brecon Beacon Member and any Co-opted Member of the CJC (together the “**Members**” and each a “**Member**”) shall have a duty to comply with the Members Code of Conduct (see Section 9).

DELEGATION

- 4.11 Subject to Rule 4.13 below, the CJC may arrange for the discharge of its function by

- 4.11.1 A sub-committee;
- 4.11.2 A member of staff;
- 4.11.3 Any other corporate joint committee;
- 4.11.3 Any county or county borough council in Wales.

- 4.12 Subject always to Rule 4.13 below, the CJC delegates operational decisions on the discharge of its functions and anything that is required to facilitate or is conducive or incidental to the discharge of its functions as set out in the Scheme of Delegation in Section 7.

RESTRICTIONS ON DELEGATION

- 4.13 The CJC may not delegate any of the following to any other person or sub-committee:

- 4.13.1 Its function in relation to developing policies under the relevant provisions of the Transport Act 2000 (“Transport Policy Function”);
- 4.13.2 Its function in relation to preparing a Strategic Development Plan under the relevant provisions of the Planning and Compulsory Purchase Act 2004 (the “Strategic Development Plan Function”);
- 4.13.3 The decision to agree the CJC budgets and contributions of the Constituent Councils and the National Park;
- 4.13.4 The decision to establish CJC sub-committees; and

MEETINGS AND PROCEEDINGS

CHAIRING MEETINGS

- 4.14 At the Annual General Meeting CJC meeting the appointment of a chairperson and vice-chairperson is to be the first business transacted.
- 4.15 The chair and vice-chairperson will rotate annually at each annual general CJC Meeting.

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- 4.16 The chairperson and vice-chairperson must each be a Council Member and must be appointed, or confirmed by the Council Members.
- 4.17 A person appointed as chairperson or vice chairperson may at any time resign that office by notice in writing given to the other Member.
- 4.18 Arrangements in the Establishing Regulations for dealing with a vacancy in the post of chairperson or vice chairperson will apply.

ANNUAL GENERAL MEETINGS AND OTHER MEETINGS

- 4.19 The CJC must hold an annual general meeting in each financial year on a date determined by the CJC.
- 4.20 The CJC may hold other meetings on dates agreed by the CJC. An extraordinary CJC meeting may be called at any time by any person entitled to vote on a matter to be decided at that meeting.

QUORUM

- 4.21 Both Council Members must be present at all meetings and the Brecon Beacons Member must be present at:-
 - 4.21.1 meetings where the Strategic Development Plan is to be discussed; and
 - 4.21.2 for decisions to change voting procedures in relation to the Strategic Development Plan.

VOTING

- 4.22 Each person entitled to vote has one vote.
- 4.23 The number of Co-opted Members entitled to vote may not exceed the number of Council Members entitled to vote.
- 4.24 Other than the matters listed in Rules 4.25 and 4.26 below, any vote is to be decided by unanimity and if a vote is tied the matter is not carried.
- 4.25 The funding of budget decisions shall be determined by the unanimous agreement of the Members entitled to vote. If the Members cannot reach agreement, the proportions are to be determined by the Welsh Government.
- 4.26 Any change to voting arrangements requires unanimous agreement of all Members entitled to vote on the matter.
- 4.27 Where the matter relates to the Strategic Development Plan Function and a vote is tied, the chairperson has the casting vote.
- 4.28 The CJC may adopt an alternative voting procedure for any decision other than the decisions on the budget and the decision to change the voting procedure itself.

LOCATION OF MEETINGS

- 4.29 A CJC meeting may be held
 - 4.29.1 at a location determined by the CJC;
 - 4.29.2 by remote means; or
 - 4.29.3 partly by remote means and partly at a location determined by the CJC.
- 4.30 CJC meetings must be open to the public unless the public are excluded under Rule 4.56 and 4.57 below;

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4.30.1 the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

4.30.2 The public may by resolution be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.

(“confidential information” and “exempt information” have the meanings set out in the Corporate Joint Committees (General) (No 2)(Wales) Regulations 2021)

NOTICE OF MEETINGS AND SUMMONS TO ATTEND

4.31 A CJC must give public notice of a CJC meeting

4.31.1 at least three clear days before the meeting, or

4.31.2 if the meeting is convened at shorter notice, at the time the meeting is convened.

4.32 The notice must be published electronically.

4.33 The Proper Officer must no later than three clear days before the CJC meeting or, if the meeting is convened at shorter notice, at the time the meeting is convened, send a summons to attend the meeting to every member of the CJC either by post or electronically.

4.34 A summons must specify the business to be transacted at the meeting and no business may be transacted at a CJC meeting other than the business specified in the summons except in the case of;

4.34.1 business required by the Establishing Regulations, any other enactment in Section 4 ; or

4.34.2 business added to the agenda for a CJC meeting in accordance with Rules after the summons has been sent; or

4.34.3 the business brought before a CJC meeting as a matter of urgency in accordance with Rule 8.9.

4.35 Where an extra ordinary meeting is called by one of the Members of the CJC, the notice must specify the business proposed and be signed by the Member(s) calling the meeting or signify the approval of those Members by electronic means.

Extraordinary Meetings

Calling Extraordinary Meetings

4.36 The Chief Executive may call extraordinary CJC meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional CJC meetings:

4.36.1 the Chair of the CJC;

4.36.2 The Chief Executive;

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4.36.3 The Monitoring Officer or the Section 151 Officer;

Remote Attendance

4.37 Pursuant to Section 47 of the Local Government and Elections (Wales) Act 2021, Members may attend meetings by remote means.

4.38 For the purposes of Rule 4.37 above “remote means” has the following meaning namely a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other)

Motions without Notice

4.39 The following motions may be moved without notice:

- 4.39.1 to appoint a Chair of the meeting at which the motion is moved;
- 4.39.2 in relation to the accuracy of the minutes;
- 4.39.3 to change the order of business in the agenda;
- 4.39.4 to refer something to an appropriate sub-committee, or individual for consideration or reconsideration;
- 4.39.5 to appoint a sub-committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- 4.39.6 to receive reports of sub-committees or Officers
- 4.39.7 a closure motion under Rule 4.40
- 4.39.8 to suspend a particular CJC Procedure Rule:
- 4.39.9 to exclude the public and press in accordance with the Access to Information Procedure Rules;

Rules of Debate

Closure Motions

- 4.40.1 to ask that the question be now put;
- 4.40.2 to proceed to the next business
- 4.40.3 to adjourn a debate; or
- 4.40.4 to adjourn a meeting.

Point of Order

4.41 A point of order is a request from a Member to the Monitoring Officer to advise on an alleged irregularity in the procedure of the meeting. A point of order may only relate to an alleged breach of these CJC Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken.

Personal Explanation

4.42 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

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- 4.42.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - 4.42.2 to reply to an allegation of misconduct made against the Member giving the explanation; or
 - 4.42.3 to make an apology to the CJC.
- 4.43 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

Declarations of Interest

- 4.44 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration s/he shall be heard immediately and shall be allowed to make the declaration without interruption.
- 4.45 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.
- 4.46 A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

ACCESS TO AGENDA AND CONNECTED REPORTS

- 4.47 Copies of the agenda for a CJC meeting and copies of any report for the meeting must be published by the CJC
- 4.47.1 electronically, and
 - 4.47.2 at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- 4.48 An item of business may not be considered at a CJC meeting unless either
- 4.48.1 copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or
 - 4.48.2 by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 4.49 A summons to each meeting must be sent to all Members by a person authorised by the CJC (the "**Proper Officer**") in accordance with the Establishing Regulations.

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MINUTES

4.50 The names of the Members present at a CJC meeting must be recorded.

4.51 Minutes of the proceedings of a CJC meeting must be drawn up and recorded. The minutes must be approved by the person chairing the CJC meeting or the person chairing the next suitable such meeting by signing the minutes, or by electronically signifying approval.

Signing the Minutes

4.52 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 part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

4.53 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting¹, then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes².

Form of Minutes

4.54 Save as provided below the form of the minutes will be a matter for the Chief Executive:

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

Exclusion of Public

4.56 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 8 of this Constitution or Rules 4.58 and 4.59 (Disturbance by the Public).

4.57 Where members of the public have been excluded pursuant to Rule 4.56, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

General Disturbance

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

Disturbance by Public

Removal of Member of the Public

4.59 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.

¹ a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

² paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

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Filming, Audio Recording and Use of Social Media During Meetings

4.60 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 8, or (c) where a meeting is being webcast.

Suspension of the CJC’s Procedure Rules

4.61 The CJC’s Rules of Procedure may be suspended in accordance with Rule 2.15.

INSPECTION AND PUBLICATION OF MINUTES AND OTHER DOCUMENTS AFTER MEETINGS

4.62 After a CJC meeting the CJC must

4.62.1 publish:

- (a) the minutes, or a copy of the minutes of the meeting;
- (b) a copy of the agenda of the meeting
- (c) a copy of any reports for any item which was open to the public; and
- (d) a summary of the proceedings (or any part of the proceedings) where it is necessary for a fair and coherent record, as a consequence of exempt material being excluded from the minutes and the reports above.
- (e)

4.62.2 ensure that those documents remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

LANGAUGE AND TRANSLATION

4.63 All meetings of the CJC and its Sub-Committees will be conducted bilingually and all participants may speak through the medium of Welsh and/or English. Simultaneous translation will be provided by Ceredigion County Council.