

CHAIRMAN'S GUIDE TO PROCEDURE AT MEETINGS

1. APPOINTMENTS

Vice Chairman

- The Chairman and Vice-Chairman of Cabinet and the Chairmen of the standing committees are selected at the Annual Meeting of Council.
- Vice-Chairman appointments for the standing committees are made by each Committee at its first meeting of the Municipal Year.

Sub Committees and Informal Groups

Cabinet

- Cabinet may appoint Cabinet Committees to deal with any matter relevant to its business or responsibilities. Cabinet can delegate authority for action to such Committees.
- Only members of Cabinet itself may be members of Cabinet Committees. Appointed members of other political groups are invited to comment on proposals before Cabinet Committees but cannot vote.
- Cabinet can also appoint Informal Policy Groups which are sometimes used to undertake preliminary work on policy development.

Committees

- Committees may appoint Sub-Committees to consider any matter relevant to the business or responsibility of the Committee, subject to the approval of Cabinet of the appointment and the terms of reference of the body (apart from Planning Committee which may appoint Sub-Committees without Cabinet approval).
- Appointed Members do not have to be from the parent Committee, although the Chairman does.
- The Chairman of a Committee can attend any of its sub-committees as an observer and speak but not vote.

The Overview and Scrutiny Committee

- It has been agreed that the appropriate Portfolio Holder(s) present and are held accountable for relevant reports to The Overview and Scrutiny Committee, (whilst recognising that Portfolio Holders are accountable for policies and key outcomes and not the day-to-day management of the Council's services).
- A practice has been adopted that The Overview and Scrutiny Committee decides to establish Informal Scrutiny Groups (ISGs) to consider a subject in greater detail. The scrutiny leads and programme of work for the ISGs is decided by The Overview and Scrutiny Committee at the start of the Municipal Year.

General

Appointments are usually made at the first meeting of the Municipal Year for the duration of the year, but others can be made on an ad-hoc basis and terms of office do vary with outside bodies.

Co-option

- Co-opted Members to Committees have to be appointed by Council.
- A general protocol has been established which states that the preferred method of inviting representatives of the local community and of local organisations to participate in the overview and scrutiny process should be by the invitation of the Chairman and not co-option.
- For further guidance on the detail of this protocol, please contact the Democratic Services Officer *prior to* the meeting.

2. EXTRAORDINARY CABINET AND COMMITTEE MEETINGS

Extraordinary Cabinet and Committee meetings can be called:

- by four members of Cabinet or a Committee, or three members of a sub-committee;
- by officers, in consultation with the Chairman.

3. QUORUM

- Quorum of Cabinet is 3 Members and for most Committees is 4 Members.
- Quorum of Cabinet Committees, Standards Committee and Sub Committees is 3 Members.

4. PUBLIC PARTICIPATION

- A fifteen minute period is allocated at the beginning of the meeting, with each speaker allowed three minutes to ask questions or make a statement;
- If no one attends, the meeting can commence immediately, although the Chairman has the discretion to hear someone who arrives after the meeting has commenced, if it is still within the fifteen minute period originally allocated to Public Participation.
- Alternative arrangements have been agreed for public participation at Cabinet, Planning Committee and Licensing and Regulation Sub-Committee. Further details are provided on the agenda sheets for these meetings, or from the appropriate Democratic Services Officer.

5. **POWERS OF COMMITTEE**

Cabinet

Within overall Council policies and the budget policy and financial limits set by the Council, Cabinet will make most executive decisions. A summary of specific powers and duties is set out on the inside of the agenda front sheet. A full list is set out in the Constitution.

Committees

- As the powers of each Committee differ, please refer to the summary of specific powers and duties set out on the inside of the agenda front sheet. A full list is set out in the Constitution.
- In accordance with Council Procedure Rule 36, any Member may place one item on the agenda of Cabinet or any committee or sub-committee. The Member must give the Head of Legal and Democratic Services at least 14 days notice and the agenda will state the name of the Councillor who requested the item.

6. **LIMITATIONS**

Call-in

Any decision by Cabinet to incur expenditure by way of supplementary estimate/virement of more than £100,000 shall not be implemented until the The Overview and Scrutiny Committee has had an opportunity to call-in the decision for review.

Reference-up of decisions

Where, *immediately following* the decision of Cabinet or certain specified Committees (see below for which), one quarter of those voting on the issue can request referral.

- The power to refer-up decisions is only available to Cabinet, Planning Committee, Licensing and Regulation Committee, Standards Committee, Personnel Committee and Sub-Committees of these bodies.
- Decisions by Cabinet, Planning Committee, Licensing and Regulation Committee, Standards Committee or Personnel Committee should be referred to the next Council meeting.
- Decisions by a Cabinet Committee should be referred to the next Cabinet meeting.
- Decisions by Sub-Committees of Planning Committee, Licensing and Regulation Committee, Standards Committee or Personnel Committee should be referred to the next meeting of their parent Committee.

7. **CONDUCT OF MEETINGS**

Chairman's Ruling

The Chairman's interpretation of and/or application of the Council Procedure Rules cannot be challenged other than by High Court action after the event.

Rules Of Debate

- Rules of debate for Council can be applied to Committee, except for the provision of speaking more than once and standing when speaking.
- The Chairman has discretion as to how far rules of debate are applied.
- The practice of "questions – debate - decision" is often used, although this is not essential.
- Some Chairmen dispense with an officer's oral introduction of a written report and go straight into questions.

Recommendations and Motions

- The Officers' written recommendations set out in the report act as the original motion to the meeting unless the Chairman determines otherwise.
- If a Councillor moves a motion, it must be seconded.

Amendments To Recommendations/ Motions

Procedure

- Amendments can add or delete words in the motion and must be seconded;
- If there is a request for more than one amendment, take them one at a time in the order proposed and seconded;
- If an amendment is carried, the substantive motion (i.e. the original motion as amended) must be put to the meeting for approval;
- The substantive motion can be further amended;
- At the conclusion of the amendment process, a final vote on the substantive motion must be taken.

Limitations to amendments that can be made

- Cannot introduce anything completely unrelated to the original motion;
- Cannot be a direct negative to the motion/recommendation that has been proposed and seconded (i.e. when simply voting against the original motion would have the same effect).

Voting

General

- A show of hands is not necessary if “all agreed”;
- If there is dissension, a vote by show of hands must be taken.

Casting Vote

- Only available to the Chairman.
- There is no requirement that the Chairman must have voted originally, nor that he/she has to vote the same way as originally.
- There is no requirement to use a casting vote at all in the event of a tie; the matter would simply be ‘not carried’ and other action such as withdrawal, deferral or amendment would need to be considered.
- There is no requirement that a casting vote must be used to support the option closest to retaining the status quo.

Recording of votes

- A recorded vote can be requested by one quarter of those voting at the Committee;
- An individual Member can ask for the way they voted to be recorded in the minutes.

Voting on Appointments

- If the number of nominations exceeds the number of vacancies, the vote is taken for each nominee in the order that they were proposed.
- Where there is more than one vacancy, each Member has the same number of votes as there are vacancies and those who receive the largest number of votes are appointed.

Committee Business

Vary Order of Business

This is at the discretion of the Chairman.

Urgent Business

The Chairman has the discretion to take an urgent item of business, not on the agenda, provided he/she is satisfied with the reasons given.

Exempt Business

- This should be moved and seconded and then voted upon;

- It is strongly advised that officers' recommendations, to take certain matters in Exempt session be adhered to;
- Personnel issues relating to individual staff members *must* be considered in Exempt session.

Observers

- Cabinet Portfolio Holders may normally attend a meeting of a The Overview and Scrutiny Committee where the meeting is considering a matter to which the portfolio relates and speak but not vote.
- The Chairman and Vice-Chairman of Cabinet may also normally attend and speak but not vote at any Committee or Sub-Committee meeting.
- The above two points do not apply when The Overview and Scrutiny Committee is reviewing a decision in which the Cabinet member was involved.
- The Chairman of a Committee can attend any of its sub-committees as an observer and speak but not vote.
- Any Member has the right to attend a committee that they do not serve on, however; they must give prior notice to the Chairman if they wish to speak (the Chairman has discretion to let them speak, regardless of this);
- The Committee can challenge the right of a Member to remain during Exempt Business, but they cannot be excluded if they have "good reason" to stay;
- The Chairman can invite any person to attend and address the Committee.

Disorderly Conduct

Members of Committee

- A Committee can move that a Member be no longer heard, or that they leave the meeting;
- The Chairman can adjourn the meeting if necessary.

Public

- A member of the public can be asked to leave the public gallery or the gallery be cleared.
- The Chairman can adjourn the meeting if necessary.

8. DECLARATIONS OF INTEREST

This is a complex area and Members on the Committee should be urged to contact the Democratic Services Officer for advice, *prior* to the Committee.