

# STANDING ORDERS RELATING TO THE COMMITTEES AND SUB-COMMITTEES

## 23.1 Appointment and Memberships, Committees and Sub-Committees

- (1) Members of Committees and Sub-Committees shall be appointed by the Chief Executive in accordance with the wishes of the Political Groups subject to any limitations imposed by legislation or Standing Orders notified to him in accordance with the Local Government (Committees and Political Groups) Regulations 1990 provided that where a Political Group has failed to express its wishes in relation to an appointment in accordance with the Regulations the Council in the case of a seat on a Committee or the parent Committee in the case of a seat on a Sub-Committee may make such appointment as it thinks fit. Any change in the membership of a Committee or Sub-Committee shall be reported at the commencement of the next meeting of the Committee or Sub-Committee.
- (2) Membership of Sub-Committees, may be drawn from the whole Council, except that Members of the Cabinet may not be Members of a Westminster Scrutiny Commission, Policy and Scrutiny Committee or any Sub-Committee thereof. A Member of the Cabinet may not be appointed as Chairman of the Standards Committee or any Sub-Committee thereof. No Member may be involved in scrutinising a decision which he/she has been directly involved in.
- (3) The Leader (or Deputy Leader where notified and in the absence of the Leader) or the Chief Whip or Deputy Whip as notified by them of each political group of the Council may notify the Chief Executive up to two hours prior to the meeting of any substitute Members for a meeting of a Committee or Sub-Committee provided that the substitute is also a member of the same political group and in the case of Policy and Scrutiny Committees is not a member of the Cabinet. Following the notification of a substitute the permanent Member shall only resume their membership at the conclusion of the relevant meeting.

## **23.2 Appointment and Duties of Chairmen and Vice-Chairmen of Committees and Sub-Committees**

- (1) The Leader of the Council (the Deputy Leader in the Leader's absence) may nominate the Chairmen and Vice-Chairmen of Committees, Sub-Committees and other subordinate bodies, which Committees, Sub-Committees or subordinate bodies shall determine whether or not to appoint the person(s) so nominated at their first or next appropriate meeting following such nomination.
- (2) In the case of any Committee or Sub-Committee, more than one Vice-Chairman may be appointed. If in the absence of the Chairman of any Committee more than one Vice-Chairman is present, the Vice-Chairmen shall agree which of them shall preside at the meeting. In default of such agreement the Committee or Sub-Committee shall elect a Chairman for that meeting only.
- (3) The Chairman of a Committee or Sub-Committee shall:
  - a) preside at every meeting of the relevant body at which he is present and exercise any powers or duty of the Chairman;
  - b) sign the minutes of proceedings of the previous meeting when approved as a correct record;
  - c) in the case of an equality of votes, have a second or casting vote;
  - d) determine all questions of order; and
  - e) have power, after consultation with the member nominated by the other party group as their spokesman if any, to authorise
    - i. the convening of an additional meeting (in the case of Policy and Scrutiny Committees, the agreement of the Vice-Chairman is also required – see para 4 of the Overview and Scrutiny Procedure Rules),
    - ii. variation to the date and/or time and/or place of a schedule meeting;
    - iii. the cancellation of a meeting if, in his/her opinion, there is insufficient business to warrant the holding of such a meeting or for other special reasons.
- (4) A Vice-Chairman of the Committee or Sub-Committee shall in the absence of the Chairman, have the powers, duties and rights of the Chairman.
- (5) Where no appointment of a Chairman and a Vice-Chairman of a Sub-Committee has been made or when the appointed Chairman and

Vice-Chairman of the Sub-Committee are absent the powers in paragraph 4(e) above may be exercised by the Chairman or Vice-Chairman of the parent Committee.

- (6) Where no appointment of a Chairman or Vice-Chairman of a Committee or Sub-Committee has been made the provisions of paragraph (3)(e) above may be exercised by the Chief Executive in consultation with any person nominated (or deemed to be so nominated) as Chairman and/or Vice-Chairman of the relevant Committee or Sub-Committee in accordance with paragraph (2) above.

### **23.3 Notice and Place of Meetings of the Cabinet, Committees and Sub-Committees**

- (1) The General Purposes Committee shall each year determine a schedule of meetings for the Policy and Scrutiny Committees and the non-Executive Committees and Sub-Committees, which may be varied in accordance with Standing Orders. The Leader will also agree a Schedule of meetings of the Cabinet and any Cabinet Committees.
- (2) At least five days excluding, Saturdays, Sundays and public holidays, before the day appointed for a meeting of the Cabinet, a Committee or Sub-Committee, public notice shall be given and the Chief Executive shall send to every member of the Cabinet, Committee or relevant Member a notice convening the meeting setting out the time and place of the meeting and specifying the business to be transacted at the meeting, provided that:
  - (i) want of service of notice on any member of the Cabinet, a Committee or Sub-Committee shall not affect the validity of the meeting;
  - (ii) by reason of special circumstances (which shall be recorded in the Minutes) the Chairman may at his discretion admit for consideration items of business which are in his opinion urgent;
  - (iii) the order of business may be varied at the discretion of the Chairman at the meeting.
  - (iv) such notice may be delivered by electronic means.

### **23.4 Conduct of Debate of the Cabinet, Committees and Sub-Committees**

- (1) When the Chairman speaks every other member shall sit and be silent.
- (2) When speaking a member shall remain seated and address the Chairman.
- (3) While a member who has been called upon by the Chairman to speak is addressing the meeting other members shall remain seated and be silent unless they wish to raise a point of order or to make a

personal explanation.

- (4) A member shall direct his speech strictly to the matter under discussion or to a personal explanation or to a point of order.
- (5) Where there is a motion or amendment before the Cabinet, a Committee or Sub-Committee a motion may be formally moved and formally seconded that the question be now put. The Chairman shall have a discretion to allow such a motion. No debate on such motion or on the exercise of the discretion allowed to the Chairman shall be permitted and the decision of the Chairman shall be final. If a motion that the question be now put is allowed that motion shall immediately be put to the vote and if it is carried the motion or amendment before the Cabinet, Committee or Sub-Committee shall be put to the vote without further debate. If the motion that the question be now put is not carried the debate on the motion or amendment shall continue.

### **23.5 Deputations at Meetings of the Cabinet, Committees and Sub-Committees**

- (1) A request for the reception of a deputation shall be referred by the Chief Executive for consideration by the Cabinet or the appropriate Committee or Sub-Committee which may agree to receive the deputation.
- (2) When the Cabinet, a Committee or Sub-Committee agrees to receive a deputation it shall specify: the number of persons to be received; the number of persons who may address the meeting; and the time to be allocated for speeches by those members of the deputation whom it agrees to hear.

### **23.6 Points of Order and Personal Explanation**

- (1) A member of the Cabinet a Committee or Sub-Committee may raise a point of order at any time, but when doing so must specify the particular Standing Order or statutory provision which he alleges has been breached or on which he otherwise relies, specifying the way in which he considers it has been breached.
- (2) Subject to (3) below a member making a personal explanation shall be entitled to be heard forthwith.

Any member speaking when a personal explanation is made shall immediately cease his speech. A personal explanation may be made by a member who -

- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement he has made; or
- b) wishes to correct a statement made about him by the person speaking; or

- c) wishes to correct a misquotation by the person speaking of facts originally put by him earlier in the debate.
- (3) The ruling of the Chairman on a point of order or on the right to make a personal explanation shall be final and shall not be open to debate.

### **23.7 Mode of Voting**

- (1) Unless the 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.
- (2) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- (3) Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- (4) 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.
- (5) 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.

### **23.8 Disorder**

- (1) If at a meeting of the Cabinet, a Committee or Sub-Committee any member persistently disregards the ruling of the Chairman or behaves improperly or offensively (whether to the Chairman or to any other member) or willfully or recklessly obstructs the business of the Cabinet, a Committee or Sub-Committee or acts in a frivolous manner which is, in the opinion of the Chairman contrary to the dignity of the Council the Chairman may direct that he be not heard further.
- (2) If the member continues his misconduct, the Chairman may direct him to leave either for a fixed period or until the end of the meeting and if he refuses to leave the meeting, the Chairman shall direct that all necessary steps be taken to secure his removal, and shall adjourn the meeting until such removal is effected.
- (3) If the Chairman is satisfied that it is necessary for the purpose of restoring order he may adjourn the meeting. If no period for the adjournment is specified by the Chairman the meeting shall be deemed to have been adjourned for 5 minutes.

- (4) The public shall be admitted to any meeting of the Cabinet, Committee or Sub-Committee subject to the power to exclude the public to avoid the disclosure of confidential or exempt information under the Local Government Act 1972, and the power of exclusion to suppress or prevent disorderly conduct at the meeting. The Chairman may, if in his opinion it is necessary in order to prevent disorderly conduct or other misbehaviour by the public or any member of the public –
- (a) refuse admission to any person to any meeting of the Cabinet a Committee or Sub-Committee;
  - (b) take all steps necessary to secure the removal of any person previously admitted;
  - (c) order the clearance of the public gallery and may adjourn the meeting whilst such removal or clearance takes place.
- (5) Without prejudice to the powers conferred on the Chairman by paragraph (4) of this Standing Order, Chief Executive shall be authorised to appoint suitable persons to act as stewards at meetings of the Cabinet, Committees and Sub-Committees. Any such steward, who shall carry proof of authority and be clearly identifiable as such, shall be empowered to take all steps necessary to maintain order in the public gallery and in the event of disorderly conduct or other misbehaviour by any member of the public shall be empowered without prior instruction from the Chairman to order that person to leave and to take all steps necessary to secure the removal of that person from the meeting.
- (6) If the powers in (4) and (5) are exercised, re-admission of the public or any member thereof shall be at the discretion of the Chairman.

### **23.9 Reporting on Public Meetings**

- (a) Members of the public, including representatives of the media, shall be permitted to report on the Part 1 (public) part of the Council's formal meetings. Reporting may include filming, photographing or making an audio recording of proceedings at a meeting; using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. The Chairman may only refuse permission if there is just reason for doing so, in exceptional circumstances, in the interests of good conduct and in accordance with Standing Order 7 (Disorder). Such decisions shall not be open to challenge.

### **23.10 Termination of Meeting**

- (1) When the Cabinet, a Committee or Sub-Committee, except hearings conducted by the Licensing Sub-Committee, has sat continuously for 4

hours (including any periods of adjournment) then unless after the expiration of 3½ hours it has resolved to continue the sitting beyond 4 hours either to a fixed time or until the completion of all or certain business on the agenda, the Chairman shall draw the attention of the Committee or Sub-Committee to that fact, whereupon all Standing Orders except Standing Order (Disorder) and this one shall be deemed to have been suspended, and he/she shall then direct that there be no further debate. Any report dealing with an urgent item of business shall be placed before the Cabinet, Committee or Sub-Committee for decision but shall not be the subject of debate. Any report submitted for information shall be deemed to have been noted. The Chairman shall then advise how any outstanding business will be dealt with.

### **23.11 Quorums for Meetings of the Cabinet Committees and Sub-Committees**

- (1) No business shall be transacted at a meeting of the Cabinet, a Committee or a Sub-Committee unless a quorum is present: The quorums are as follows:-

#### Members

Cabinet (See also the Executive Procedure Rules)	3
Policy and Scrutiny Committees	3
Westminster Scrutiny Commission	3
Audit and Performance Committee	3
General Purposes Committee	3
Standards Committee	3
Planning and City Development Committee	3
Urgency Sub-Committees	2
Planning Applications Committee	2
Licensing Committee	3
Licensing Sub-Committees	2
Education Awards Appeals Sub-Committee	2
Appointments Sub-Committee	2
Rating Advisory Panel	2
Staff Appeals Sub-Committee	2
Any other Committee or Sub-Committee	2

- (2) If at the expiration of 15 minutes after the time at which a meeting is convened a quorum is not present, the meeting shall not take place and the business shall, unless otherwise disposed of, be included on the agenda for the next ordinary meeting of the Cabinet, Committee or Sub-Committee.

### **23.12 Cabinet, Committee and Sub-Committee Meetings Open to all Members**

- (1) A member of the Council shall be entitled to attend a meeting of the Cabinet, a Committee or Sub-Committee of which he is not a member

except the following once the press and public have been excluded;

Staff Appeals Sub-Committee  
Education Awards Appeals Sub-Committee  
Licensing Sub-Committees  
Rating Advisory Panel  
Appointments Sub-Committee  
Discretionary Housing Payments Review Panel

Any Member wishing to remain in attendance at a meeting of the above, when the press and public have been excluded, must deliver a written request to the Chief Executive by not later than noon on the day preceding the meeting, setting out his reasons for wishing to attend. The Chief Executive shall then, in consultation with the relevant Chairman be authorised to decide, whether, the Member should be permitted to attend on a 'need to know' basis.

- (2) Any member attending a meeting of the Cabinet, a Committee or Sub-Committee of which he is not a member may not speak at the meeting except with the consent of the Chairman, and for the purpose of obtaining such consent, a visiting member shall indicate to the Chairman before the commencement of the meeting the agenda item(s) on which he wishes to speak; provided that this limitation shall not apply to:
  - (a) the Leader of the Council or to the Leader of the Opposition who shall be entitled to speak at any meeting of the Cabinet, Committee or Sub-Committee;
  - (b) the mover of a motion at a meeting of the Council giving rise to a reference to Cabinet, a Committee or Sub-Committee;.
  - (c) a Lead Member appointed from outside the Cabinet's or Committee's Membership who shall have the right to attend and speak (but not vote) at meetings of the Cabinet or Committee on matters within his/her Lead Member remit.

### **23.13 Decisions between Meetings**

- (1) The Leader (or in his/her absence the Deputy Leader) shall appoint an Urgency Committee of three Members of the Cabinet. The General Purposes Committee, the Licensing Committee, the Superannuation Committee and the Audit and Performance Committee shall each appoint an Urgency Sub-Committee of three Members appointed in accordance with Standing Order 1.
- (2) Between scheduled meetings of the Cabinet or the General Purposes Committee, the Licensing Committee, Superannuation or the Audit and Performance Committee any matter may be referred to an Urgency Committee or Sub-Committee constituted in accordance with

this Standing Order by the Chief Executive or any Chief Officer where, in the opinion of any of them, it is urgent and cannot wait until the next ordinary meeting of the Cabinet, the General Purposes Committee, the Licensing Committee or the Audit and Performance Committee.

- (3) A meeting of the Cabinet Urgency Committee, the General Purposes, Licensing, Superannuation or the Audit and Performance Urgency Sub-Committees shall be empowered to decide any matter within the terms of reference of the Cabinet or the relevant parent committee or any of their respective Sub-Committees which has been referred to it for decision by the Chief Executive or any Chief Officer provided that the Urgency Committee or Urgency Sub-Committee is satisfied that the matter cannot wait until the next ordinary meeting.
- (4) All Standing Orders which apply to Committees and Sub-Committees other than those which are inconsistent with this Standing Order, shall apply to a meeting of an Urgency Committee or Urgency Sub-Committee.
- (5) Where the Chief Executive or any Chief Officer is of the opinion that a matter which is within the terms of reference of the General Purposes Committee, the Licensing Committee, the Audit and Performance Committee, Pension Fund Committee or the Cabinet but does not require a meeting of the General Purposes, or the Pension Fund Urgency Sub-Committees, the Licensing Urgency Sub-Committees, the Urgency Committee of the Cabinet he may send a written report to the members of the Urgency Committee/Sub-Committee, and any Ward Members who would otherwise have been consulted in accordance with the Code of Governance, and make a decision on that matter provided that:
  - (a) subject to (b) below, no matter shall be decided by a Chief Officer pursuant to this Standing Order until the expiration of four clear days from the report being sent and provided further that any written representation received before a decision is taken in accordance with this Standing Order must be considered by the relevant Chief Officer before exercising these powers;
  - (b) in the case of a matter which the Chief Officer considers to be exceptionally urgent he may take a decision before the expiration of four clear days provided he has advised the Members to be consulted of his intention to do so. When taking a key decision under these powers Chief Officers shall also comply with the provisions of Regulations 9(1) and 16 of the Local Authority (Executive Arrangements)(Access to Information)(England) Regulations 2000.
  - (c) in the case of a report submitted in the names of more than one Officer the first named Chief Officer shall exercise these powers unless the matter has been referred to the Chief Executive by any Chief Officer or has been called in by the Chief Executive for

decision in which case the matter shall be determined by the Chief Executive.

#### **23.14 Attendance Book**

Every member attending a meeting of the Cabinet, a Committee or Sub-Committee shall sign his name in the attendance book provided.

#### **23.15 Confidential Reports and Other Documents**

In respect of reports, parts of reports or other documents which, are marked "Not for publication" or are otherwise described as confidential it shall be the duty of members and officers not to disclose any information contained therein until the Cabinet, a Committee, Sub-Committee, or relevant Chief Officer so decides.

#### **23.16 Co-opted Members – Vacation of Office**

If a co-opted member of a Committee or Sub-Committee of the Council fails for a period of six consecutive months to attend any meeting of that Committee or Sub-Committee, he shall, unless failure was due to some reason approved by the Council, cease to be a co-opted member of that Committee or Sub-Committee.

#### **23.17 Leaders**

- (1) The Member so chosen by the Majority of the Members of the Council shall be known as the Leader of the Council who must in turn appoint a Member of the Cabinet to be known as the Deputy Leader of the Council. The political party with the second largest number of Members elected to the Council (or a combination of parties) may choose one of their Members to be known as the Leader of the Opposition whose name shall be notified to the Chief Executive who shall advise Members accordingly.
- (2) The Leader of the Council will take Office upon election by the full Council. The Deputy Leader of the Council, and the Leader of the Opposition, shall each take office on the date of the receipt by Chief Executive of notice of their selection and shall cease to hold office on the date of receipt by the Chief Executive of a letter notifying him to that effect.

#### **23.18 Suspension of Standing Orders**

Any part of these Standing Orders may be suspended (provided such suspension is not contrary to law and does not impinge on the power of a higher authority) in respect of any business at the meeting where its suspension is moved.