

PART 4

C

COMMITTEE PROCEDURE RULES

PROCEDURE RULES RELATING TO MEETINGS OF COMMITTEES, AND SUB COMMITTEES

1. DEFINITIONS

1.1 Except where the context otherwise requires or stipulates, the following expressions shall be given the meanings assigned to them below for the purpose of interpreting the Procedure Rules relating to the meetings of the full Council, Committees, Sub-Committees and Working Groups:

1.1.1 "the Council" means the Forest Heath District Council;

1.1.2 "Committee" means a Committee appointed by the Council pursuant to Section 101 of the Local Government Act 1972 and where appropriate the expression "Committee" includes a Sub-Committee:

1.1.3 "Member" shall mean all or any of the following, namely:

- (i) a Member of the Council appointed to a Committee/Sub-Committee/Working Group;
- (ii) a substitute Member of a Committee as referred to in Rule 5.4;
- (iii) a co-opted Member of a Committee/Sub-Committee/Working Group;
- (iv) such ex-officio Member of a Committee/Sub-Committee as is referred to in Rule 6.1 (subject to the limitations mentioned in that Rule);
- (v) either a Parish/Town Council representative or an Independent person appointed to the Council's Standards Committee;

1.1.4 "Chief Officer" means the Chief Executive (or Head of Paid Service), the Strategic Director (Resources), the Strategic Director (Services), (or any of them) or any other Chief Officer appointed by the Council and in relation to any specified matter or service, shall mean such of the above mentioned Chief Officers as may be appropriate to or responsible for the matter or service;

1.1.5 "the Management Team" means the Chief Officers referred to in subparagraph 1.1.4; together with all the Heads of Service;

1.1.6 "Council Chamber" shall mean the Council Chamber situated in the principal office of the Council at the District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY, or in relation to a meeting of a Committee such other area where the meeting is taking place and the expression shall be deemed to include any public gallery or other part of the Council Chamber or other area (as the case may be) from which the discussion and/or any proceedings before a Committee can be heard;

1.1.7 "Clear Working Day" - in calculating clear working days, the day on which a notice is sent and the day of the meeting are excluded;

"Day" means a Working Day excluding days on which the Council Offices are not open

1.1.8 Reference to a person shall be deemed to refer also to a partnership or corporate or other body;

1.1.9 Words importing the singular number shall include the plural and vice versa. Words importing the masculine, feminine or neuter gender shall include all or any of the masculine, feminine or neuter genders. Words importing any body of persons corporate or unincorporate shall include all or any body of persons corporate or unincorporated.

2. MEETINGS OF COMMITTEES

2.1 Subject to Rules 2.2, 2.3 and 2.4, the dates and times of Committee meetings shall be such as may be determined from time to time by each Committee in relation to its own proceedings, or as may be prescribed from time to time by the Council. For that purpose, the Council may approve a Calendar of Meetings for any Committee or Committees. Committee meetings shall commence at 6.00pm and shall at 9.00pm stand adjourned until the following day at 6.00pm wherever practicable, unless the Chairman is of the opinion that the meeting will conclude within 30 minutes thereafter and exercises his/her discretion to continue the meeting. Nothing in these Rules shall require the Committee to hold any meeting during the month of August.

2.2 After consultation and agreement with the Leader of the Council, the Chairman may, on giving not less than three Clear Working Days notice, alter the date, time or place of any meeting of a Committee if in his/her opinion it would assist in the efficiency of the conduct of the Committee's business or if in his/her opinion the date, time or place appointed for that meeting is unlawful, impossible or generally inconvenient.

2.3 An extraordinary meeting of a Committee may be called by:-

2.3.1 The Chairman, after consultation and agreement with the Leader of the Council, to take place at any date or time and at any place appointed by the Chairman; or

2.3.2 Any three Members of the Committee, by a written notice, signed by each of them, specifying the business to be transacted and delivered to the Chief Executive.

2.4 The Chairman, after consultation and agreement with the Leader of the Council, may cancel a meeting of a Committee at any time if he/she decides that there is insufficient business to justify the holding of such a meeting.

2.5 Wherever in these Procedure Rules there is a requirement for the Chairman to consult and agree with the Leader of the Council, that requirement shall be

waived in circumstances where it is not reasonably practical to contact the Leader by such time as the Chairman must make his/her decision.

3. MEETINGS OF SUB-COMMITTEES, PANELS AND WORKINGS GROUPS

3.1 The dates and times of Sub-Committees, Panels and Working Group meetings will be such as determined by the parent

4. ATTENDANCE BOOK AT MEETINGS OF COMMITTEES/SUB-COMMITTEES/PANELS/WORKING GROUPS

4.1 The names of those Members present at any meeting of, a Committee/Sub-Committee/Panel/Working Group shall be recorded.

4.2 Each Member in attendance at a meeting of a Committee/Sub-Committee/Panel/Working Group shall sign the attendance register provided.

5. ATTENDANCE AT COMMITTEES/SUB-COMMITTEES BY MEMBERS OF COUNCIL

5.1 Except as provided by Rules 5.2, 5.3 and 5.4 a Member of the Council shall not be entitled to speak or vote at a meeting of any Committee/Sub-Committee unless he/she is a Member of that Committee/Sub-Committee.

5.2 If a Member of the Council has given notice of a motion for debate by the Council and that motion has been referred to a Committee for consideration and report back to the Council then the Member who gave notice of the motion to the Council shall have the right to speak (but not vote) when the Committee considers the motion.

5.3 A Member of the Council may speak but not vote on a specific item at a meeting of a Committee/Sub-Committee of which he/she is not a Member if:-

5.3.1 Before the commencement of the meeting at which he/she wishes to speak:

- (a) the Member has requested the consent of the Committee/Sub-Committee as the case maybe, or its Chairman or (in the prolonged absence only, of the Chairman) its Vice-Chairman to speak at the meeting concerned;
- (b) in seeking consent to speak, the Member has identified the matter in respect of which he/she wishes to speak;
- (c) the permission of the Committee/Sub-Committee, its Chairman or (in the circumstances mentioned in sub-paragraph (a) above) its Vice-Chairman has been given (verbally or otherwise);

5.3.2 The Committee/Sub-Committee is considering a matter which affects a particular ward and invites the ward Member(s) to attend the meeting;

- 5.3.3 The Development Control Committee is considering a matter which affects a particular ward then a Member who is not a Member of the Committee may address the meeting on the item concerned;
- 5.3.4 Specifically invited by the Chairman to comment on a matter under consideration.
- 5.4 At all Committee/Sub-Committees (other than Standards Committee), a Substitute Member may attend to take the place of a Member. The original Member must have notified the Committee Section before the start of the meeting of the intended substitution. The Substitute Member would desirably, but not necessarily, be from the same political group as the Member substituted. The Substitute Member must notify the meeting at the appropriate place on the agenda of his/her attendance and which Member he/she is replacing. Substitute Members will have all the powers and duties of any Member of the Committee/Sub-Committee.

6. **QUORUM FOR MEETINGS**

- 6.1 No business shall be transacted at a meeting of a Committee/Sub-Committee (other than a Licensing Act 2003 Sub-Committee)/Working Group unless at least one quarter of the whole number of such Members of the Committee/Sub-Committee/Working Group as are entitled to speak and vote at such meetings (and in any event not less than three such Members) are present. For the avoidance of doubt, in calculating a quorum for the Committee/Sub-Committee/Working Group, substitute Members shall be treated as Members of that Committee/Sub-Committee/Working Group, but ex officio Members shall be excluded. Licensing Act 2003 Sub-Committees will normally have three Members but may lawfully operate with two Members at the Chairman's discretion.
- 6.2 No business shall be transacted at a meeting of the Standards Committee, unless the quorum meets the requirements laid down by the Local Government Act 2000 and Regulations made under the Act. The relevant quorum is three which must include at least one independent member and, if Parish/Town Council matters are to be considered at least one Parish/Town Council representative.
- 6.3 If because of the absence of a quorum, either at the commencement or during the course of any meeting of the Council, or a Committee/Sub-Committee/Working Group, certain items of business on the Agenda for that meeting cannot properly be transacted, then the following procedure shall apply:
- 6.3.1 The Chairman shall announce that all items of business which have not been transacted at the meeting will be adjourned for consideration at the next ordinary meeting of a Committee/Sub-Committee/Working Group (as the case may be) unless:
- (a) The Chairman and the Leader of the Council agree a date and time for the meeting to continue; or

- (b) In the case of a Committee meeting any three Members of the Committee request an extraordinary meeting in accordance with the procedure set out in Rule 2.3.2.

6.3.2 Any items of business which have not been transacted at the meeting shall then stand adjourned to the new date and time arranged for the continuation of the meeting or to the next ordinary/extraordinary meeting of the Committee or ordinary meeting of the Sub-Committee/Working Group (as the case may be).

7. REPORTS TO COMMITTEES/SUB-COMMITTEES/ WORKING GROUPS

7.1 Prior to reports being included on an agenda, draft copies may be requested by:

7.1.1 In relation to a meeting of a Committee/Sub-Committee/Working Group, the Chairman and Vice-Chairman of the relevant Committee/Sub-Committee/Working Group.

7.2 The Chief Executive and/or Chief Officers may amend their reports at their sole discretion having regard to any comments made by the Leader of the Council or the Chairman of the Committee/Sub-Committee/Working Group (as the case may be). The Chief Executive and/or the other Chief Officers shall decide what amendments, if any, should be made.

7.3 Reports shall not be withheld from a Committee/Sub Committee/Working Group if the Chief Executive and/or the other Chief Officers are of the opinion that the subject-matter needs to be considered.

7.4 In order to assist Members in the decision making process, a report to a Committee/Sub-Committee/Working Group shall, wherever possible, present to Members a full range of properly costed options. If any option referred to in a report involves a change of policy, then the report shall say so and shall have been reported to the Overview and Scrutiny Committee first .

7.5 If the Chairman of a Committee/Sub-Committee/Working Group or the Leader of the Council wishes to put a particular recommendation to a Committee/Sub-Committee/Working Group, it must be included in the report to the Committee/Sub-Committee/Working Group which shall clearly indicate that the recommendation is being made by the Chairman of the Committee/Sub-Committee/Working Group or the Leader of the Council.

7.6 A Member of a Committee (or several Members collectively) may prepare reports for consideration by such Committees and may call upon the professional advice of Chief Officers and their staff to assist in their preparation. Any such report must be submitted to the Chief Executive, the Council's Monitoring Officer and the Strategic Director (Resources) for their comments before it may be considered by the relevant Committee.

7.7 Any disputes between a Chief Officer and the Leader of the Council or a Chairman of a Committee/Sub-Committee/Working Group on the content or recommendations of any report shall be referred to the Chief Executive.

8. ORDER OF BUSINESS AT MEETINGS OF COMMITTEES

- 8.1 Subject to Rule 8.2, the order of business of every meeting of a Committee shall be as follows:-
- 8.1.1 To elect a Chairman and Vice-Chairman of the Committee (where this has not already been done for the relevant civic year at any previous meeting of the Committee);
 - 8.1.2 To choose a person to preside over that particular meeting of the Committee if the Chairman and Vice-Chairman are both absent from that meeting or any part of that meeting;
 - 8.1.3 To deal with any business which, according to the law, must be transacted before any other business;
 - 8.1.4 Subject to the provisions of Rule 11.1 to approve the minutes of the last ordinary meeting of the Committee (if such minutes have not already been approved at any previous meeting of the Committee):

Following that approval and the making of any amendments to the minutes, subject to which such approval is given, the Chairman shall initial each page of the minutes and then sign and date those minutes by way of signifying that they are a true and accurate record of the proceedings of that last meeting;
 - 8.1.5 Subject to the provisions of Rule 11.1 to approve as correct record the minutes of the last special or extraordinary meeting of the Committee (if such minutes have not already been approved at any previous meeting of the Committee):

Following that approval and the making of any amendments to the minutes, subject to which such approval is given, the Chairman shall initial each page of the minutes and then sign and date those minutes by way of signifying that they are a true and accurate record of the proceedings of the special or extraordinary meeting concerned;
 - 8.1.6 To deal with any business expressly required by law to be transacted at the meeting;
 - 8.1.7 To deal with any business (if any) outstanding from any previous meeting or meetings of the Committee whether such meetings were ordinary, special or extraordinary;
 - 8.1.8 To receive and consider the notes/schedules of Panels, Working Groups or Sub-Committees together with any recommendations contained in them;
 - 8.1.9 To consider such other business (if any) as may be specified in the Agenda;
 - 8.1.10 To consider any business which, by reason of special circumstances, should in the opinion of the Chairman be considered at the meeting

as a matter of urgency. The special circumstances concerned shall be specified in the minutes of that meeting.

8.2 Business falling under sub-paragraphs 8.1.1 to 8.1.6 inclusive shall be dealt with in that order of priority at the meeting. Subject to that requirement, other items of business referred to in paragraph 8.1 shall, as far as possible, appear on the agenda in order of priority according to their relative urgency or importance but that order may be varied at the meeting by:-

8.2.1 The Chairman at his/her discretion; or

8.2.2 A resolution to that effect which has been passed upon a motion proposed and seconded at the meeting. Any such motion shall be voted upon without discussion.

9. **ELECTION TO OFFICE - AND COMMITTEES/SUB-COMMITTEES/ WORKING GROUPS**

9.1 Chairmen and Vice-Chairmen of Committees/Sub-Committees and Working Groups shall be appointed at meetings of the respective Committees/Sub-Committees and Working Groups held immediately prior to the conclusion of the Annual Council meeting which shall be adjourned for that purpose. If a Committee/Sub-Committee or Working Group fails to make such an appointment, the Annual Council meeting shall be reconvened on the same evening to make that appointment on the same evening.

9.2 The voting procedure for making appointments set out below applies to the election of the, Chairmen and Vice-Chairmen of Committees, Chairman and Vice-Chairman of Sub-Committees and Chairmen and Vice-Chairmen of Working Groups.

9.2.1 When there are two candidates or fewer for election to any Office, the voting may be by show of hands, except as stipulated by Rules 9.2.2 and 9.2.3.

9.2.2 When there are two candidates for election to any office then upon the approval of a motion to that effect proposed and seconded by any Members of the Council (other than the person presiding at the meeting) which shall be voted upon immediately without discussion, the vote for the election shall be by voting paper.

9.2.3 In the event of there being more than two candidates for any office the voting shall be by voting paper, unless five Members of the Council or a Committee/Sub-Committee (as the case may be) request that there be a recorded vote in accordance with the procedure set out in Rule 17.3 Council Procedure Rules.

9.2.4 Where the vote is to be by voting paper, the procedure set out in Rules 17.5 to 17.8 inclusive of Council Procedure Rules shall apply.

9.2.5 At the conclusion of the voting procedure, the candidate securing the greatest number of votes shall thereupon be declared appointed to the office concerned.

10. REPLACEMENT OF CHAIRMAN OR VICE-CHAIRMAN OF A COMMITTEE/SUB-COMMITTEE/WORKING GROUP

10.1 This Rule only applies to the replacement of Chairmen and Vice-Chairmen of Committees/Sub-Committees/Working Groups and, for the avoidance of doubt, the reference to Chairman and Vice-Chairman within this Rule shall be construed accordingly.

10.2 If at any time, in the opinion of the Members of a Committee/Sub-Committee/Working Group (or as the case may be), the Chairman or Vice-Chairman (as the case may be);

10.2.1 Neglects or fails to carry out his/her duties to the satisfaction of the Members of the Committee/Sub-Committee/Working Group;

10.2.2 Carries out his/her duties other than in a thorough, diligent and proper manner;

10.2.3 Behaves or carries out his/her duties in an irregular, improper or offensive manner;

10.2.4 Misconducts himself/herself;

the Members of the Committee/Sub-Committee/Working Group may propose a motion requiring that the Chairman or Vice-Chairman (as appropriate) give an explanation of his/ her conduct to the Members, verbally or in writing, either at that meeting or the next ordinary meeting of the Committee/Sub-Committee/Working Group. If that motion is proposed and seconded, the Chairman must put the motion to the vote immediately and without discussion. If that motion is approved then the Chairman or Vice-Chairman concerned shall provide an explanation forthwith or at the next ordinary meeting of the Committee/Sub-Committee/Working Group depending upon the wording of the motion. If the motion is defeated, the debate upon the business under discussion immediately prior to the proposing of that motion shall continue.

10.3 Having heard or read an explanation from the Chairman or Vice-Chairman concerned as to his/her conduct, any Member of the Committee/Sub-Committee may propose a motion of no confidence in that Chairman or Vice-Chairman. If that motion is proposed and seconded the Chairman must put that motion to the vote without discussion. If that motion is approved, the Chairman or Vice-Chairman concerned shall thereby be relieved of his/her office forthwith and the Committee/Sub-Committee/Working Group shall take action to elect a new Chairman or Vice-Chairman (as appropriate). If the motion is defeated the debate upon the business under discussion immediately prior to the proposing of that motion shall continue.

10.4 Serious allegations of misconduct shall be referred to the Council's Monitoring Officer. Where such allegations involve a breach of the Code of Conduct the matter may also be referred to the Standards Board for England.

11. CONSIDERATION AND SIGNING OF THE MINUTES OF THE PREVIOUS MEETING

- 11.1 The minutes of a meeting of a Committee shall be signed at the next suitable meeting and for the purpose of this paragraph the next suitable meeting shall be:
- 11.1.1 The next following meeting (ordinary or otherwise) of the Committee or
- 11.1.2 Where in relation to any meeting of a Committee the next such meeting is an annual, extraordinary or special meeting, then the next following ordinary meeting may (if convenient or practicable to do so) be treated as the next suitable meeting.
- 11.2 The Chairman shall propose that the minutes of any previous meeting or meetings be approved and that motion shall stand without the need for any seconder.
- 11.3 Following that motion, the only matter which may be discussed is the accuracy of any of the minutes concerned.
- 11.4 Any suggested amendment or alteration to the minutes (or any of them) shall be raised by way of motion duly proposed, seconded and voted upon. If that motion is approved the minutes (or any of them as the case may be) shall stand amended or altered pursuant to the terms of the motion.
- 11.5 If either the accuracy of the minutes (or any of them) is not queried or if such a question is raised, then as soon as it has been disposed of, the Chairman shall sign the minutes as a correct record (subject to any amendment or alteration approved by the Committee in accordance with Rule 11.4).
12. **CONSIDERATION OF THE MINUTES OF SUB-COMMITTEES/NOTES/SCHEDULES OF PANELS/WORKING GROUPS AT COMMITTEES**
- 12.1 When the minutes of a Sub-Committee or notes/schedules of a Panel or Working Group are on the agenda of a Committee and the point is reached on the agenda at which they fall to be considered, the Chairman of the Committee shall (subject to Rule 12.2 below) call upon the Chairman of the relevant Sub-Committee/Panel/Working Group to propose their approval and adoption.
- 12.2 If the Chairman of the relevant Sub-Committee/Panel/Working Group was not present at the meeting to which the minutes/notes/schedules relate then the Member who presided at the meeting (whether that be the Vice-Chairman or another Member) shall be called upon to propose the approval and adoption of the minutes/notes/schedules. If the person who presided over the meeting (whether that was the Chairman or Vice-Chairman of the Sub-Committee/Panel/Working Group or other Member) is absent from the Committee meeting, then the minutes/notes/ schedules shall be proposed by the Chairman of the Committee for approval and adoption.
- 12.3 The Chairman shall then present the minutes/notes/schedules (as the case may be) as a whole or (in his/her absolute discretion) by calling each numbered item in turn. Any Member of the Committee may:-

- 12.3.1 Comment upon any item;
 - 12.3.2 Ask a question specifically arising out of or about any minute/item, in which case there shall be no discussion upon the question or the answer but at the discretion of the Chairman, a supplementary question, arising out of the answer given to the original question may be put by the Member who asked that original question;
 - 12.3.3 Where a minute/any item contains a recommendation, propose an amendment to that recommendation or propose a motion that the item be referred back to the Sub-Committee/Panel/Working Group for further consideration;
 - 12.3.4 Where a minute/any item contains a resolution, propose that the Sub-Committee/Panel/ Working Group be asked to reconsider the matter at its next meeting or (if that is impractical) at its next but one meeting following the date of that Committee meeting, whereupon if that proposal is approved by the Committee, the matter shall stand referred back to the Sub-Committee/Panel/Working Group.
- 12.4 When all matters raised in relation to the minutes/notes/schedules of the Sub-Committee/Panel/Working Group have been dealt with then:-
- 12.4.1 Any recommendations or resolutions contained in the minutes/notes/schedules shall be deemed to have been adopted by the Committee unless any shall have been amended, referred back or negated by a vote of the Committee;
 - 12.4.2 The Committee shall not return to give consideration to the minutes/notes/schedules or any item thereof.

13. AGENDA ITEMS REQUESTED BY MEMBERS

- 13.1 Any political group or individual Member may place an item of business for debate on an agenda for Committee, by giving notice of the item by delivering or posting a signed copy of it to the Chief Executive or Monitoring Officer so as to be received by him not later than eight clear days before the day of the Committee meeting at which this item is to be considered.
- 13.2 To be eligible for consideration by the Committee, the item concerned must fall within the terms of reference and/or delegated powers of the Committee.
- 13.3 A Member shall not propose to a Committee:
 - 13.3.1 any motion or amendment which in effect would rescind or negate any resolution passed by the Committee within the preceding six calendar months:
 - 13.3.2 any resolution or amendment which is the same or to the same effect as one which has been rejected by the Committee within the preceding six calendar months.

- 13.4 Placing such an item of business on the agenda shall not guarantee the preparation of an Officer's written report on the subject matter, except in relation to scrutiny matters, when requested by the Overview and Scrutiny Committee.
- 13.5 For the purpose of compiling the Committee agenda, the Chief Executive or Monitoring Officer shall determine whether such an item shall be placed in the exempt or non-exempt part of the agenda.
- 13.6 It shall be the responsibility of individual Members to inform their respective political group Leaders of their action.
- 13.7 If the Member who requested an additional item of business is not present at the relevant Committee meeting, any other Member may present the item. If this does not occur the Chairman shall proceed to the next item of business and the item shall be deemed to have been withdrawn, and shall not be considered again without further notice, pursuant to this Procedure Rule.

14. **OTHER MOTIONS AND AMENDMENTS**

- 14.1 In addition to such motions and amendments as arise from the items of business which are considered by a Committee (or are otherwise permitted by these Procedure Rules) the only motions which may be proposed at a meeting of a Committee are the following:

- 14.1.1 A motion choosing a person to preside at the meeting for the duration of that meeting, only for and so long as the Chairman or Vice-Chairman of the Committee is absent from the meeting;

- 14.1.2 That, subject to the requirements of Procedure Rules 9 and 11, a particular item of business be considered prior to other items of business;

- 14.1.3 That the meeting should proceed to the next business;

- 14.1.4 That the question should now be put;

- 14.1.5 That these Procedure Rules (or any of them) be suspended for the duration of the whole meeting or in relation to any particular item of business to be considered at the meeting;

- 14.1.6 That members of the press and public be excluded from the meeting or any part of the meeting pursuant to Section 100A(4) of the Local Government Act 1972 or any statutory modification or re-enactment of that legislation;

(NB. Section 100A(4) of the Local Government Act 1972 permits the exclusion, by resolution, of the press and public from the meeting, whenever it is likely there would be disclosure to them of exempt information as defined by Schedule 12A of the 1972 Act.)

- 14.1.7 That members of the press and public be excluded from the meeting or any part of the meeting pursuant to Section 100A(2) of the Local

Government Act 1972 or any statutory modification or re-enactment of that legislation;

(NB. Section 100A(2) of the Local Government Act 1972 compels the exclusion, by resolution, of the press and public from the meeting, whenever it is likely there would be disclosure to them of confidential information as defined by Section 100A(3) of the 1972 Act.)

- 14.1.8 That, in circumstances where the consent of the meeting is required under these Procedure Rules in respect of any matter, that such consent be given or refused;
- 14.1.9 That pursuant to the requirements of Rule 20.5 a Member ceases his/her misconduct or leaves the meeting;
- 14.1.10 That the debate in respect of any matter being considered by a Committee be adjourned;
- 14.1.11 That the meeting of a Committee be adjourned (but without prejudice to the Chairman's powers to adjourn pursuant to Rule 25);
- 14.1.12 Subject to Rules 15 and 16 a motion relating to any item of business before the meeting,
- 14.1.13 Except in relation to those matters which, according to these Procedure Rules, are to be decided without discussion, an amendment to any motion under debate or to any recommendation contained in the minutes/notes/schedules of the Committee, Sub-Committee, Panel or Working Group.

15. **GENERAL RULES OF DEBATE AT MEETINGS**

- 15.1 If more than one Member signifies to the Chairman that he/she wishes to speak the Chairman shall call upon and allow one such Member to speak and the other Member or Members wishing to speak shall await an indication from the Chairman that it is their turn to speak.
- 15.2 A Member when speaking, shall direct his/her words to the Chairman.
- 15.3 When a Member is speaking, all other Members shall remain silent except that any Member may speak in order to raise:
 - 15.3.1 A point of order; or
 - 15.3.2 Give a personal explanation.
- 15.4 A Member who speaks to raise either a point of order or give a personal explanation shall be permitted by the Chairman to be heard immediately and any other Member who is already speaking at the time shall cease speaking and defer to the other Member who wishes to raise a point of order or give a personal explanation.
- 15.5 For the purpose of these Procedure Rules:

- 15.5.1 A point of order shall mean an alleged breach of any of these Procedure Rules or any statutory or other legal requirement and the Member raising the point of order shall specify the Rule, the statutory provision or other legal requirement (as the case may be) and the manner in which he/she thinks it has been broken;
- 15.5.2 A personal explanation shall mean an explanation as to the Member's personal conduct or as to the content of a previous speech made by the Member (whether at this particular meeting or previously) which, in either case, appears to have been misunderstood or misrepresented during the course of the current debate before the Committee. In addition a Member may correct a statement made by another Member concerning such matter or matters which the Member considers to be untrue or inaccurate.
- 15.6 The ruling of the Chairman as to the admissibility or substance of a point of order or as to the admissibility of a personal explanation shall be final and not subject to any debate or discussion.
- 15.7 A Member when speaking shall limit his/her speech to:
- 15.7.1 The matter under discussion: or
- 15.7.2 The point of order which he/she has raised: or
- 15.7.3 The personal explanation which he/she seeks to give.
- 15.8 Unless the Chairman gives express consent, the duration of the speech shall not be longer than five minutes.
- 15.9 If, at any time during a meeting, the Chairman speaks any other Member who is in the process of speaking, shall cease speaking.. No Member shall then speak until the Chairman has finished speaking.

16. **GENERAL RULES FOR THE DEBATE OF MOTIONS**

- 16.1 Subject to the exceptions mentioned in Rules 16.1.1 and 16.1.2. no motion shall be considered unless it has been proposed and seconded. The exceptions to this requirement are:-
- 16.1.1 A motion proposing that the minutes/notes/schedules of a Committee, Sub-Committee, Panel or Working Group be adopted or approved and made pursuant to Rules 11.2 and 12.1 by the Chairman or Vice-Chairman (or other Member as the case may be) when presenting such minutes/notes/schedules:
- 16.1.2 A recommendation contained in the minutes/notes/schedule of a Committee, Sub-Committee, Panel or Working Group which is presented pursuant to Procedure Rules 15 and 16.1.
- 16.2 With the consent of the Chairman and (in the cases mentioned in Rules 16.2.1 and 16.2.2 and 16.2.3 the seconder of the motion) to be given in each case without discussion, a Member who has proposed a motion may:

- 16.2.1 Alter a motion which he/she has proposed;
- 16.2.2 Withdraw a motion which he/she has proposed;
- 16.2.3 Alter a motion of which he/she has given prior notice during the course of the debate.

If the requisite consent of the Chairman and/or where necessary the seconder of the motion is refused, the motion in its original form, as proposed by the Member who has subsequently sought to alter or withdraw it, shall proceed to be debated in accordance with these Procedure Rules.

- 16.3 Except as stated Procedure Rule 15 a Member who has proposed a motion (but not an amendment) shall have a right to reply:
 - 16.3.1 At the close of the debate on that motion immediately before it is put to the vote; and also
 - 16.3.2 If an amendment to that motion has been proposed, at the close of the debate on the amendment.
- 16.4 A Member exercising his/her right of reply shall confine his/her speech to answering matters which have been raised during the course of the debate and which are related to his/her motion or any proposed amendment to that motion. He/she shall not be permitted to introduce any new or additional matters.
- 16.5 Prior to voting upon a motion, that motion shall have been stated clearly to the meeting by the Member who proposes the same. For the purpose of achieving such clarity that Member may and, if so required by the Chairman, shall provide the Chairman with the wording of the motion in writing.
- 16.6 A Committee or a Sub-Committee or Panel or Working Group shall not consider, discuss, debate or vote upon any motion of an objectionable or unlawful nature. The Chairman's ruling as to whether or not a motion is objectionable or unlawful shall be final and shall not be subject to discussion or debate.

17. **GENERAL RULES FOR THE DEBATE OF AMENDMENTS**

- 17.1 Except in relation to those matters which according to these Procedure Rules are to be decided without discussion, an amendment to any motion under debate, or to a recommendation contained in the minutes of any Sub-Committee or notes/schedules of a Panel/Working Group presented to the Committee, may be proposed by any Member, during the course of that debate. Prior to voting upon an amendment, that amendment shall have been stated clearly to the meeting by the Member who proposes the same. For the purpose of achieving such clarity that Member may and, if required by the Chairman, shall provide the Chairman with the wording of the amendment in writing.
- 17.2 An amendment must be relevant to the motion under debate and it may propose:

- 17.2.1 Leaving out certain words in the motion and adding or inserting others;
- 17.2.2 The making of any decision or the taking of any course of action, relevant to the subject matter of the debate.
- 17.3 No amendment shall be considered which states the direct opposite or negative of the motion under debate.
- 17.4 In the discretion at all times of the Chairman, in each case, the following rules shall apply for the proposing and debating of amendments:
- EITHER
- 17.5 Only one amendment may be made and discussed at a time (although the Chairman may in his/her sole discretion accept notice of further amendments);
- 17.6 No further amendment may be proposed until the amendment under discussion has been voted upon;
- 17.7 If the amendment under discussion is defeated, other amendments may be proposed on the original motion;
- 17.8 If the amendment is voted upon and approved, the motion as so amended shall become the decision of the meeting unless any further amendment is then proposed, seconded, debated and voted upon;
- OR
- 17.9 Two or more amendments may be proposed and discussed;
- 17.10 In that case, the latest of the amendments shall be voted upon first;
- 17.11 If that amendment is approved, the motion as so amended shall become the decision of the meeting unless any further amendment is then proposed, seconded, debated and voted upon;
- 17.12 If the latest amendment, upon being put to the vote, is defeated, the Chairman shall take a vote, in turn upon each of the other amendments, beginning with the latest one received;
- 17.13 If any such amendment is voted upon and approved, the motion, as so amended, shall become the decision of the meeting unless any further amendment is then proposed, seconded, debated and voted upon;
- 17.14 If all amendments proposed and discussed in accordance with Rule 17.9 above are defeated, and there are no other amendments, the Chairman shall take a vote upon the original motion and if that motion is carried, it shall become the decision of the meeting.
- 17.15 No amendment shall be considered unless it has been proposed and seconded.

17.16 With the consent of the Chairman and (in the cases mentioned in Rules 17.16. below) the seconder of the amendment to be given in each case without discussion, a Member who has proposed an amendment may:

17.16.1 Alter an amendment which he/she has proposed:

17.16.2 Withdraw an amendment which he/she has proposed:

17.16.3 Alter an amendment of which he/she has given prior notice during the course of the debate.

If the requisite consent of the Chairman and/or where necessary the seconder of the amendment is refused, the amendment in its original form, as proposed by the Member who has subsequently sought to alter or withdraw it, shall proceed to be debated in accordance with these Procedure Rules.

17.17 At the close of a debate on one or more amendments, the proposer of any such amendment shall not have any right of reply.

18. **SPECIAL MOTIONS AND PROCEDURES**

18.1 This Rule deals with the procedure to be observed in relation to the following motions:

18.1.1 That the meeting proceeds to the next business;

18.1.2 That the question be put;

18.1.3 That the debate be adjourned;

18.1.4 That the meeting be adjourned.

18.2 If a motion to proceed to the next business is proposed and seconded, the Chairman must immediately put that motion to the vote, without discussion. If the motion is approved then the Chairman shall proceed to the next business on the agenda. If the motion is defeated the debate upon the business under discussion immediately prior to the proposing of that motion shall continue.

18.3 If a motion that the question be put is proposed and seconded, the Chairman must put that motion to the vote without discussion. If that motion is approved then the Chairman shall give the proposer of the original motion which was under debate immediately prior to the proposing of the motion that the question be put, his right of reply under Procedure Rule 22.3 before putting that original motion to the vote. If the motion that the question be put is defeated then the debate on the original motion shall continue. The motion that the question be put may only be proposed by a Member who has not previously spoken during the course of the debate upon the item in question.

18.4 If a motion to adjourn the debate for a specified interval contained in the motion is proposed and seconded, the Chairman must put the motion to the vote immediately and without discussion. If that motion is approved the

debate shall stand adjourned for that specified interval and shall be resumed at the end of that interval. If the motion to adjourn the debate is defeated the debate taking place immediately before that motion was proposed shall continue.

- 18.5 If a motion to adjourn the meeting is proposed and seconded, the Chairman must put the motion to the vote immediately and without discussion. If that motion is approved the meeting shall stand adjourned. The Chairman shall then advise the Members at the meeting as to the date and time upon which the meeting could be resumed after having consulted with the Chief Executive (or other Officer present at the meeting and advising the Chairman) as to the suitability of that date, and as to the date and time of the next ordinary meeting of the Committee when discussion of any outstanding business could take place. Having regard to the Chairman's advice, the meeting shall then debate and vote upon the date, time and place when discussions of any outstanding business will take place. If the motion to adjourn the meeting is defeated, the debate taking place immediately before that motion was proposed shall continue.
- 18.6 If any of the motions listed in Rule 18.1 are voted upon and defeated, a motion to that same effect shall not be moved again within a period of thirty minutes following that defeat, without permission of the Chairman.

19. **MOTION AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

- 19.1 If any matter or question arises at a meeting of a Committee/Sub-Committee/Working Group concerning the appointment, conduct, promotion, dismissal, suspension, salary, superannuation, conditions of service or other personal facts or circumstances of any person employed by the Council, that matter or question shall not be discussed until the meeting has decided whether or not to exercise its powers to exclude the press and public during the consideration of that item, pursuant to Section 100A(4) of the Local Government Act 1972 or any statutory modification or re-enactment of that legislation.

20. **DISORDERLY CONDUCT**

- 20.1 In the event of any disturbance whatsoever (whether by members of the public or otherwise) which, in the opinion of the Chairman, renders the proper and orderly dispatch of business impossible, then (without prejudice to any other power vested in the Chairman by these Procedure Rules or otherwise) the Chairman may adjourn the meeting of his/her own volition without any discussion, motion or resolution, for such a period as the Chairman in his/her absolute discretion shall consider to be appropriate or expedient.
- 20.2 If in the opinion of the Chairman, any Member misconducts him/herself at a meeting of a Committee by:
- 20.2.1 persistently disregarding the ruling of the Chairman;
 - 20.2.2 behaving irregularly, or improperly or offensively;
 - 20.2.3 wilfully obstructing the transaction of business.

- 20.3 then the Chairman shall proceed in accordance with Rules 20.4 to 20.5 inclusive.
- 20.4 The Chairman shall warn the Member that in the opinion of the Chairman, the Member is misconducting him/herself and either the Chairman or any other Member may propose a motion that the Member ceases his/her misconduct. Upon being so proposed that motion shall be voted upon and determined immediately without seconding or discussion.
- 20.5 If the Member continues his/her misconduct after a motion under Rule 20.4 has been approved, the Chairman shall either:
- 20.5.1 propose a motion that the Member leaves the meeting and that motion shall be voted upon and determined immediately without seconding or discussion; or
- 20.5.2 adjourn the meeting of his/her own volition without any motion, discussion or resolution to that effect, for such a period as the Chairman in his/her absolute discretion shall consider to be appropriate or expedient.
- 20.6 If a motion that a Member leaves the meeting is passed and the Member concerned then refuses to do so, the Chairman may make arrangements for the police to be called, in order to remove the Member from the Council Chamber (or other area where the meeting is taking place) and, for that purpose, the Chairman may without motion or discussion or resolution adjourn the meeting of his/her own volition to enable the police to be called.
- 20.7 If a member of the public interrupts any meeting of a Committee, the Chairman shall:
- 20.7.1 warn the person concerned;
- 20.7.2 if the interruption continues, the Chairman shall adjourn the meeting of his/her own volition without discussion, motion or resolution and make arrangements for the police to be contacted in order to remove the person concerned from the Council Chamber (or other area where the meeting is taking place) and from the Council's offices (or other premises as the case may be).
- 20.8 In the case of a general disturbance in any part of the Council Chamber (or other area where the meeting is taking place) open to the public, the Chairman may adjourn the meeting of his/her own volition without discussion, motion or resolution and make arrangements for the police to be contacted in order to remove from the Council Chamber (or other area when the meeting is taking place) and from the Council's offices (or other premises as the case may be) the persons responsible for the disturbance.

21. **VOTING AND RECORDING OF VOTES**

- 21.1 Subject to compliance with those provisions relating to specific methods of voting which are set out in this Rule all matters to be determined by a Committee/Sub-Committee/Working Group shall be decided by a simple

majority of such Members who are present and who vote. Once a vote has been taken upon a matter, that matter shall not be considered or voted upon again at the same meeting.

21.2 Except in the circumstances referred to in paragraphs 21.3, 21.4 and 21.10 of this Rules, the method of voting upon any matter before a Committee/Sub-Committee shall be by way of a show of hands, firstly by those who are voting for the motion or amendment under consideration and secondly, by those who are voting against that motion or amendment.

21.3 Before a vote is taken, any Member may request that there be a recorded vote and if that request is supported by at least four other Members who signify their support by standing in their places, the following procedure shall apply:

21.3.1 By reference to a full list of the names of all of the Members of the Committee/Sub-Committee (as the case may be) the Chief Executive (or other Officer advising the Chairman at the meeting) shall call out the names of those Members present at the meeting;

21.3.2 As his/her name is called, each Member shall call "Yes" in favour of the motion or amendment or "No" against the motion or amendment;

21.3.3 The Chief Executive (or other Officer advising the Chairman at the meeting) shall enter "Yes" or "No" against the name of each Member in turn as their names are called and they signify their votes;

21.3.4 The Chief Executive (or other Officer advising the Chairman at the meeting) shall then count up and announce the result of the voting. The list of names and the record of voting shall be included in the minutes of the meeting.

21.4 In circumstances only, where a Committee/Sub-Committee/Working Group is:

21.4.1 appointing one or more Members to some other office;

21.4.2 appointing one or more Members to be its representative(s) on a joint board or any other body or organisation; or

21.4.3 appointing an officer;

voting may be by voting paper if a motion to that effect is passed, having been proposed and seconded by any Members (other than the person presiding at the meeting) and voted upon immediately without discussion.

21.5 Where the vote is to be by voting paper the following procedure shall apply:

21.5.1 Plain voting papers shall be distributed to every Member present at the meeting;

21.5.2 Each Member wishing to vote shall write on his/her voting paper the name of one or more of the candidates in accordance with Rules 21.6 or 21.7 (as the case may be);

- 21.5.3 The voting papers shall then be collected from each Member by officers of the Council present at the meeting and delivered to the Chief Executive (or other Officer who is advising the Chairman upon the conduct of the meeting);
- 21.5.4 The Chief Executive (or other Officer as the case may be) shall then count the voting papers in the presence of the Committee and declare the number of votes cast for each candidate.
- 21.6 Where vote is by voting paper and there are only two candidates, each Member present at the meeting shall vote for one candidate only and the candidate securing the greatest number of votes (including, if necessary, in the case of a Committee meeting, the casting vote of the Chairman of the Committee) shall be declared and appointed to the office.
- 21.7 Where the vote is by voting paper and there are more than two candidates the following procedure shall apply:
- 21.7.1 for the first ballot each Member shall be entitled to vote for more than one candidate but to a maximum of one less than the number of candidates offering themselves for election (e.g. if there are five candidates a Member may register or vote for each separate candidate up to a maximum of four; if there are three candidates one vote may be registered for each separate candidate up to a maximum of two and so on); and the candidate receiving the lowest number of votes shall be eliminated;
- 21.7.2 The process shall be repeated for as many ballots as necessary until there are only two candidates and at that stage, the procedure described in Rule 21.6 shall apply.
- 21.8 All voting papers shall be destroyed by the Chief Executive (or other Officer as the case may be) as soon as practical after the meeting at which they have been used.
- 21.9 Regardless of the method of voting adopted in any particular circumstance, whenever there is an equality of votes on any matter being considered by a Committee, the Chairman of that Committee shall (in addition to his/her entitlement as a Member to a single vote) have a second or casting vote.
- 21.10 Where, immediately after the vote is taken at a meeting of a Committee/Sub-Committee/Working Group (as the case may be) any Member of the Council or Committee so requires, there shall be recorded in the minutes of the proceedings of the Committee/Sub-Committee/Working Group meeting, whether that person cast his/her vote for the motion or against the motion or whether he/she abstained from voting.
- 21.11 Nothing in this Standing Order shall affect the express stipulations as to the methods of voting for the appointment of an officer contained in Procedure Rule 38.

22. RESCISSION OF PREVIOUS RESOLUTIONS

- 22.1 Except in any of the circumstances set out in Rule 22.2, a Member shall not propose:
- 22.1.1 Any motion or amendment, the effect of which is to rescind or negate any resolution passed by a Committee within the preceding six calendar months;
- 22.1.2 Any resolution or amendment which is the same or to the same effect as one which has been rejected by a Committee within the preceding six calendar months.
- 22.2 For the avoidance of doubt the restrictions contained in Rule 22.1 shall not apply to:
- 22.2.1 A recommendation contained in the minutes of any Sub Committee or the notes/schedule of any Panel/Working Group presented to a Committee;
- 22.2.2 A recommendation contained in a report presented by the Management Team or any individual Chief Officer.
- 22.3 Such a motion or amendment, as is referred to in Rule 22.1 may be proposed to the Committee by a Member if:
- 22.3.1 Notice of it is given to the Chief Executive pursuant to Procedure Rule 13 relating to notice of motions , and
- 22.3.2 In addition to the requirement that the Notice of Motion be signed by the Member intending to present it, the Notice shall also be signed by seven other Members.
- 22.4 Where any such motion or amendment is considered and disposed of by the Committee, following the giving of Notice pursuant to Rule 13 no Member shall propose a motion to the same effect within a further period of six calendar months from that date, whether by giving such Notice or otherwise.

23. PERSONAL AND PREJUDICIAL INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

- 23.1 When attending a meeting of a Committee, Sub-Committee or Working Group each Member shall comply with the Members' Code of Conduct (see Part 4 of the Constitution).
- 23.2 When at a meeting a Member has declared a personal and prejudicial interest under the Code of Conduct then that Member shall take no further part in the proceedings and shall withdraw from the meeting and the Council Chamber save
- 23.2.1 to exercise the right contained in Paragraph 12(1)(a)(i) and (2) of the Code prior to withdrawing to make representations, answer questions, or give evidence relating to the business, in the same manner that the public are allowed to attend Council, Committee and Sub Committee meetings for that purpose under the Protocol for Public Participation and at Development Control Committee under

the Guide for Public Participation at Development Control Committee. (The Procedural Rules for Meetings of Working Groups do not permit public speaking so a Member will have no right to speak at a Working Group where a personal and prejudicial interest is declared.)

23.2.2 Where the Councillor has a dispensation granted by the Standards Committee.

23.3 If required, as a result of the withdrawal from the Council Chamber of the Member presiding at a meeting, it will be necessary to appoint a Chairman for the item under discussion.

24. **DECISION OF THE CHAIRMAN**

24.1 The ruling of the Chairman at any meeting of a Committee/Sub-Committee/Working Group concerning:

24.1.1 the conduct of the meeting; or

24.1.2 the interpretation, construction or application of these Procedure Rules relating to meetings (or any of them); or

24.1.3 questions of order, procedure, propriety, relevancy or regularity; shall be **final** and shall **not** be challenged or disputed at any meeting of a Committee/Sub-Committee/Working Group.

24.2 The Chairman **must** stop any discussion which in his/her opinion, is irrelevant to the consideration of the business before the meeting or is outside the work or powers of the Committee/Sub-Committee/Working Group **CONFIDENTIALITY**

24.3 A Member of the Council shall not disclose (whether verbally, in writing or otherwise) any information, material or matter presented to or considered or decided by a meeting of any Committee, Sub-Committee, Panel or Working Group, following the exclusion of the press and the public from the meeting or meetings concerned, unless the express permission of the Committee, Sub-Committee, Panel or Working Group (as the case may be) has been given to the Member by means of a motion to that effect proposed, seconded and approved by the Committee or the Sub-Committee or Panel or Working Group (as the case may be). **NB. Disclosure of such confidential information is a potential breach of the Code of Conduct for Members.**

25. **SUSPENSION OF PROCEDURE RULES**

25.1 Subject to Rules 25.2 below, the preceding Procedure Rules (or any of them) in this section relating to meetings can be suspended in relation to all or any particular business being considered by a Committee meeting, at which that suspension is proposed.

25.2 A proposal to suspend the Procedure Rules in this section (or any of them) relating to meetings of a Committees can only be considered if either: ,

25.2.1 At least half of the whole number of the Members of the Committee are present at that meeting at the time when suspension is proposed; or

25.2.2 Procedure Rules may not be suspended where the effect of the suspension would be to render one or more Members either in breach or potentially in breach of the Code of Conduct for Members.

PROCEDURE RULES RELATING TO THE APPOINTMENT OF OFFICERS AND MISCELLANEOUS MATTERS

26. APPOINTMENT OF CHIEF OFFICERS

26.1 Where the Council proposes to appoint a Chief Executive or other Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall (by itself or by an authorised Committee or Chief Officer of the Council):

26.1.1 Draw up a statement specifying:

- (a) The duties of the officer concerned; and
- (b) Any qualifications or qualities to be sought in the person to be appointed.

26.1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

26.1.3 Make arrangements for a copy of the statement mentioned in sub-Rule 26.1.1 above to be sent to any person on request.

26.1.4 Where a post has been advertised as provided in sub-paragraph 26.1.2 above the Council shall (by itself or by an authorised Committee or Chief Officer of the Council):

- (a) Interview all qualified applicants for the post; or
- (b) Select a short list of such qualified applicants and interview those included on the shortlist.

26.2 Every appointment of a Chief Executive (Head of Paid Service) shall be approved by the Council following the recommendation of such an appointment by a committee of the Council specifically appointed for that purpose before an offer of appointment is made. The Committee must include at least one Member of the Cabinet.

26.3 An offer of employment as a Chief Officer shall only be made where no well founded objections from any Member of the Cabinet has been received.

26.4 Every appointment of a Chief Officer (other than the Chief Executive) shall be made by the Council or by an authorised Committee of the Council or a Joint Committee on which the Council is represented.

26.5 Where the duties of a Chief Executive or other Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101(5) of the Local Government Act 1972 and/or Section 20 Local Government Act 2000:

26.5.1 the steps taken under Rules 26.1 or 26.2 may be taken by a Joint Committee of those authorities, a Sub-Committee of that Committee or a Chief Officer of any of the authorities concerned; and

Any Chief Officer may be appointed by such a Joint Committee, a Sub-Committee of that Committee or a Committee or Sub-Committee of any of those authorities.

27. APPOINTMENT OF STAFF OTHER THAN CHIEF OFFICERS

27.1 The appointment of officers other than Chief Officers shall be the responsibility of the Head of Paid Service and may not be made by Councillors

27.2 Assistants to Political Groups shall be appointed in accordance with the wishes of that Political Group..

28. VOTING PROCEDURE ON APPOINTMENT OF STAFF

28.1 Where the Council or a Committee is appointing an officer, the procedures set out in Rules 28.2 to 28.5 inclusive of this Rule shall apply.

28.2 Except as stipulated by Rules 28.4 and 28.5, voting for the selection of a candidate for a post may be by show of hands.

28.3 Where voting for the selection of a candidate for a post is by show of hands and, of the votes given, there is no majority in favour of one person, the name of the person having the least number of votes shall be eliminated and the process shall be repeated as many times as necessary until a majority of votes is given in favour of one candidate.

28.4 In the event of there being more than two candidates for the post, the voting may be by voting paper at the discretion of the Chairman or if a motion to that effect is passed having been proposed and seconded by any Member of the Council or Committee as the case may be, such motion to be voted upon immediately without discussion.

28.5 Where the vote is to be by voting paper and the appointment of a candidate is being undertaken by the Council or a Committee, the procedure set out in Procedure Rule 21 shall apply.

29. ROLE OF OFFICERS IN RELATION TO POLITICAL GROUPS ETC

29.1 The Chief Executive, Chief Officers, and all other Officers are employed to serve the whole of the Council and not specific political groups. They may give advice on policy, professional matters, procedures and any other matter as requested by Members.

- 29.2 The Chief Executive and Chief Officers may, if invited, attend political group meetings to provide information or give advice, such attendance shall be subject to the following conditions:
- 29.2.1 Any invitation to attend a political group meeting shall be issued to the Chief Executive and/or any of the other Chief Officers, but they may nominate a more junior Officer to attend on their behalf;
 - 29.2.2 Having accepted an invitation, the Officer shall not decline an invitation to advise any other political groups on the same subject matter;
 - 29.2.3 The duration of an Officer's attendance at a meeting shall be at the discretion of the political group which requested his/her attendance;
 - 29.2.4 Officers shall give the same advice to the different political groups when dealing with the same subject matter, such advice shall be the same in terms of facts, options and costings although, the format of such advice may be different;
 - 29.2.5 Officers shall not divulge to anyone the views expressed by Members at any political group meeting;
 - 29.2.6 No Member shall divulge to anyone the advice given by Officers at any political group meeting;
 - 29.2.7 Officers shall be given the opportunity to verify the record of advice given to the Group meeting.
- 29.3 Papers produced at the specific request of one political group shall not be copied to other political groups or individual Members unless this has been agreed by the Group originally requesting the paper.
- 29.4 Where papers are produced by the Officers on their own initiative, these papers shall be made available to all political groups and any individual Members not in such groups.
- 29.5 The Chief Executive and Chief Officers shall have regular discussions with the Leader and/or Chairman (as the case may be) on policies, patterns of expenditure, staffing and other day-to-day matters. Such discussions shall not be used by the Leader, Chairman or Chief Executive or other Chief Officers to avoid proper consideration/decision-making by the relevant Committees or the Council.
30. **DISCIPLINARY ACTION**
- 30.1 No disciplinary action (within the meaning of the Local Authorities (Procedure Rules) (England) Regulations 2001) in respect of the Head of the Council's Paid Service, Chief Finance Officer or Monitoring Officer may be taken by the Council, or by a Committee, a Sub-Committee, or a Joint Committee on which the Council is represented or by any other person acting on behalf of the Council, other than in accordance with a recommendation in a report

made by a designated independent person under Regulation 7 of the said Regulations (except action described in Rule30.2).

- 30.2 The action mentioned in Rule 30.1 above is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 30.3 Subject to Rules 30.4 and 30.5 below, the function of appointment and dismissal of and taking disciplinary action against a member of staff of the Council must be discharged, on behalf of the Council, by the Head of the Council's Paid Service or by an Officer nominated by him.
- 30.4 Rule 30.3 above shall not apply to the appointment or dismissal of, or disciplinary action against:
- 30.4.1 Any Chief Officer or Director.
- 30.4.2 Any Head of Service.
- 41.4.3 Any assistants for political groups appointed under Section 9 of the Local Government and Housing Act 1989.
- 30.5 Paragraph 41.3 above shall not apply to the dismissal of, or disciplinary action against the Monitoring Officer.
- 30.6 Where a Committee, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the appointment or dismissal of the Head of the Paid Service, the Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
- 30.7 Nothing in Rule30.5 above shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the Council to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

31. THE COMMON SEAL OF THE COUNCIL

- 31.1 The Common Seal of the Council shall be kept in a safe and secure place by the Monitoring Officer.
- 31.2 The Common Seal shall be affixed in the presence of and attested by:
- 31.2.1 The Monitoring Officer; or
- 31.2.2 The Chief Executive; or

- 31.2.3 The Deputy Monitoring Officer; or
 - 31.2.4 The Head of HR & Corporate Support Services; or
 - 31.2.5 Such other persons as may be authorised by the Monitoring Officer from time to time to act on his/her behalf.
- 31.3 The Common Seal of the Council shall not be affixed to any document unless:
- 31.3.1 The sealing has been authorised expressly or implicitly by a resolution of the Council or a Committee or Officer to which the Council has delegated powers for that purpose; or
 - 31.3.2 A resolution of the Council or of a Committee to which the Council has delegated its powers, authorises a course of action which requires or involves expressly or implicitly the use of the Common Seal in order to give effect to that resolution and/or pursue the course of action; or
 - 31.3.3 The Common Seal is affixed in the course of any act, course or transaction which the Council is required to undertake by law regardless of whether there is a resolution authorising the Act, matter or transaction concerned.
- 31.4 A record of every sealing of a document shall be made and consecutively numbered in a book kept by the Monitoring Officer for that purpose. Such record shall contain a brief description of the document concerned and the names of the parties to it. Each individual record in the book shall be signed by the Officer who attested the Common Seal in each case.
- 31.5 Each Seal affixed to a document shall be numbered on the face of the document adjacent to the Seal and the number shall correspond with the number of the record in the said book.

32. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

- 32.1 Except where the law otherwise authorises or requires and subject to the exceptions and provisions contained in paragraphs 43.2 to 43.4 inclusive, any document constituting a necessary step in legal proceedings on behalf of the Council shall be signed by:
- 32.1.1 The Chief Executive; or
 - 32.1.2 The Monitoring Officer; or
 - 32.1.3 The Deputy Monitoring Officer; or
 - 32.1.4 Such other person as may be authorised by the Chief Executive or Monitoring Officer or Deputy Monitoring Officer from time to time to act on their behalf.
- 32.2 Rule 32.1 shall not apply in circumstances where the Council has given express authority to some other officer for the purpose of signing documents

of the nature referred to in that paragraph provided that, except in circumstances where the law otherwise requires, the Chief Executive and/or the Monitoring Officer and/or the Deputy Monitoring Officer shall have authority to sign, on behalf of the Council, any document constituting a necessary step in legal proceedings (which the Council has expressly authorised another officer to sign) in cases of urgency, where that other officer is absent.

32.3 The Chief Executive or Monitoring Officer or Deputy Monitoring Officer shall, in consultation with the relevant Strategic Director, have authority to instruct Counsel outside of the provisions of the Council's contractual Procedure Rules.

33. ISSUING OF ORDERS AND INSPECTION OF LAND OR PREMISES BY MEMBERS OF THE COUNCIL

33.1 A Member of the Council shall not issue any order concerning any works which are being carried out by or on behalf of the Council.

33.2 A Member of the Council shall not claim, by virtue of his membership of the Council, any right to inspect or to enter upon any land or premises.

34. VARIATION AND REVOCATION OF PROCEDURE RULES

34.1 Except as indicated in Rule 34.3, any proposal or recommendation by any Chief Officer to alter, amend, add to, vary or revoke Procedure Rules (or any of them) shall normally be the subject of a written report to Council,

34.2 Except as stated in Rule 34.1 and 34.3, any motion by a Member to alter, amend, add to, vary or revoke Procedure Rules (or any of them) shall, if seconded, be referred without discussion to the next meeting of the Council, which shall receive appropriate recommendations for its consideration.

34.3 Where any proposal or recommendation is made by any Chief Officer or any motion (duly seconded) is made by any Member to alter, amend, add to, vary or revoke Procedure Rules (or any of them) and, in the opinion of the Chairman of the Council, the proposed recommendation or motion (as the case may be) is urgent, the matter may be considered immediately by the Council.

NB. Nothing within Paragraph 34 will effect the Monitoring Officer's authority to amend the Procedure Rules to cover any minor or inconsequential changes or any amendments/alterations/changes consequent upon matters which have already been approved by either Council or the appropriate Committee as the case may be.