

# Committee Procedure Rules

*Drafting note: items in italics in [] are Forest Heath/St Edmundsbury variations and the appropriate words will be inserted in each constitution. Text and notes in **bold highlight** draw attention to changes that were recommended by members or require further member input.*

Text in red is the recommendation of the Joint Constitution Review Group at its meeting on 13 March 2015

## 1. Terms of reference

1.1 The terms of reference of committees will be approved by the Cabinet or Council as appropriate.

1.2 Every committee will be able to propose changes to its own terms of reference for consideration by the Cabinet or Council.\*

***\*New provisions recommended by members.***

Wording approved by the Group.

## 2. Time and place of meetings

2.1 Committee and sub-committee meetings shall take place on the dates and at the times set out in the calendar of meetings approved by Council before the start of each civic year, except that:-

- a) the members of any committee or sub-committee may resolve to hold the meetings at a time that is different from that in the calendar but is the same for every meeting;
- b) the chairman, after appropriate consultation and before the publication of the agenda for any given meeting, may alter the date, time or place of any meeting if in his or her opinion it would assist the efficient conduct of the committee or sub-committee's business;

but in all cases regard will be had to the compatibility of the date, time or place proposed with the right of the public to attend.\*

***\*New provisions in (a) and (b) to give effect to the member recommendation that committees have more freedom over their ways of working including the timings of meetings.***

Wording approved by the Group.

2.2 An extraordinary meeting of a committee or sub-committee may be called by:-

- a) the chairman; or

- b) by any three members of the committee or sub-committee giving written notice to the Chief Executive specifying the business to be transacted.

2.3 A chairman may cancel a committee or sub-committee meeting if he or she considers that there is insufficient business to transact or that it would assist the efficient conduct of the committee or sub-committee's business.

### **3. Publication and distribution of agendas**

3.1 Notice of the time and place of any meeting will be published in accordance with the Access to Information Procedure Rules.

3.2 At least five clear days before a meeting, the agenda will be published electronically and made available to the public and members.

3.3 The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

3.4 The validity of a meeting will not be affected by a member being unable to access the agenda and reports.

3.4 Informal meetings or panels will not be covered by the rules in this section.

### **4. Quorum**

4.1 The quorum of committees, sub-committees, working parties and panels shall not be less than three members, or one third of the total membership, whichever is the greater, and will be as determined by the Monitoring Officer, having regard to that principle.

4.2 No business will be dealt with unless the committee or sub-committee is quorate. Any items of business that cannot be dealt with because the meeting is or becomes inquorate shall stand adjourned for consideration at the next ordinary meeting of the committee or sub-committee unless:-

- a) the chairman and Leader agree a date and time for the meeting to continue; or
- b) an extraordinary meeting is called in accordance with rule 2.2 above; or
- c) the remaining items of business are for information only and do not require a formal decision.

### **5. Attendance register**

5.1 All Members present during the whole or part of a meeting will, before the conclusion of such meeting, sign their names on the Attendance Register provided.

## **6. Election of chairmen and vice-chairmen of committees and sub-committees**

6.1 Except in the case of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee (whose chairmen and vice-chairmen are appointed by the Council), every committee and every sub-committee will, as its first business as a newly appointed committee following each Annual Meeting of the Council, elect a chairman and vice-chairman.

6.2 The members who were chairman and vice-chairman prior to the Annual Meeting will, if still in office and members of the relevant committee or sub-committee, remain in post until the new chairman and vice-chairman are elected.\*

***\*This is a new procedure and is in accordance with the member recommendation.***

Wording approved by the Group.

6.3 The chairman and vice-chairman of every committee and sub-committee will be elected members of the Council.

## **7. Order of business**

7.1 Unless changed in accordance with rule 7.2 below the order of business at committee and sub-committee meetings will be:-

- (a) to elect a chairman or to choose a member to preside if the chairman and vice-chairman are not present;
- (b) to deal with any business required by law to be dealt with first;
- (c) declaration of substitutions;
- (d) apologies for absence;
- (e) to confirm as a correct record and sign available minutes from previous meetings;
- (f) public speaking in accordance with rule 11 below;
- (g) to receive any petitions in accordance with the Council's Petition Scheme;
- (h) to deal with any business remaining from the last meeting in accordance with rules 4.2 and 16.11(c);
- (i) to receive and consider any items arising from panels, working groups or sub-committees appointed by the committee;
- (j) other business as set out on the agenda;
- (k) agenda items requested by members in accordance with rules 13 and 14 below (questions on notice and motions on notice);
- (l) to consider the date and time of the next meeting and any proposals for future agenda items under rule 12 below.\*

***\*Item (l) is in accordance with the member recommendation.***

Wording approved by the Group.

7.2 The order of business except for items (a) – (e) above may be changed:-

- (a) before or at a meeting, as the chairman sees fit; or
- (b) by a resolution of the meeting passed on a motion under rule 14 or rule 15.1(c).

## **8. Chairing a meeting**

8.1 Subject to paragraph 8.3, where the Chairman is not present the Vice-Chairman will, if present, chair the meeting.

8.2 If the Chairman and Vice-Chairman(men) are not present at a meeting, the members present will choose one of their number to chair the meeting.

8.3 If, after the start of a meeting:-

- (a) the chairman arrives, or
- (b) a vice-chairman arrives when the chairman is not present, he or she will take the chair of the meeting after any item which is being discussed when he or she arrives has been dealt with.

## **9. Substitutes**

### **Powers and Duties**

9.1 Once a substitute has been declared, he or she will have the ordinary status of a member present in his or her own right and will not be the delegate of the original member. He or she will not be able to exercise any special powers or duties exercisable by the person for whom he or she is substituting. Any disqualification of the original member to speak or vote, however, is not transferred to the substitute. Conversely, if a substitute member is disqualified to speak or vote on a particular item, he or she must declare it as if he or she were an original member.

9.2 If an original member arrives at a meeting at which a substitute has already been declared, the substitute will remain the member entitled to speak and vote. Once a substitution has been declared, the original member will not be entitled to attend the meeting, either as a member of the committee or sub-committee or 'by invitation' (*this is because if a substitution is declared it is on the pre-supposition that the original Member has declared him or herself unable to attend the meeting*).

### **Substitution Rules**

9.3 At the commencement of each meeting of a committee or sub-committee (or upon arrival, if arriving late) each member substituting for another member will declare the said substitution.

9.4 Once a substitute has been declared as present in place of a member for a meeting of that committee or sub-committee, that substitute will take the place of the member and will be able to speak and vote (subject to the declaration of any interests, as is usual practice).

9.5 Once a substitute has declared that he or she is substituting for another member, the original member will not be able to replace the substitute member during the course of the meeting. If the substitute member leaves the meeting during the course of the meeting, the original member will not be allowed to attend and vote in place of the substitute.

9.6 If, at the commencement of the meeting, the original member is present, then a substitution cannot take place.

9.7 Any original member of a committee may seek a substitute from any of those on the appointed list of substitutes for that committee or sub-committee.

9.8 No substitute member has the automatic right to substitute for another member who is not present; it is for the original member to select a substitute.

## **10. Attending and speaking at committee and sub-committee meetings**

10.1 Except as provided in rules 10.2 – 10.5 below, a member of the Council shall not be entitled to speak or vote at a meeting of any committee or sub-committee unless he or she is a member of that committee or sub-committee.

10.2 Where a motion stands referred to a committee or sub-committee the mover and/or the seconder of the motion may attend the meeting which is to consider the motion and take part in any discussion about it, but cannot vote unless a member of the committee or sub-committee.

10.3 A member may be invited by the chairman to attend the meeting specifically to comment on an item of business or because the item of business affects his or her ward.

10.4 A member who is not a member of a committee or sub-committee but who wishes to speak at a meeting of that body will be permitted to do so if he or she has indicated in advance to the chairman that he or she wishes to speak on a particular agenda item.

10.5 The chairman may at his or her discretion allow non-members of the committee or sub-committee to speak in situations not falling within 10.2 – 10.4 above.

## **11. Public speaking**

11.1 Members of the public who live or work in the *[district/borough]* are welcome to speak at any open meeting of a committee or sub-committee. They may ask a question or make a statement on any item on the agenda for that meeting.

11.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online

by sending the request to [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk) or telephoning [01284 757120/01638 719363] or in person by telling the committee administrator present at the meeting.

11.3 The Service Manager (Democratic Services) in respect of any question notified before the meeting, or the chairman, in respect of any question notified at the meeting, may reject a question if it:-

- (a) is not about a matter for which the Council has a responsibility or which affects the [District/Borough];
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

11.4 There will be an overall time limit of 15 minutes for public speaking, which may be extended at the chairman's discretion. Speakers will be called in the order in which they gave notice. Each person may ask one question or make one statement and will be allowed up to three minutes. If the question can be answered orally at the meeting it will be, and the question and answer will be summarised in the minutes. Questions that cannot be answered immediately will be answered in writing to the questioner, distributed to all members of the committee or sub-committee and published on the council's website. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply which may be answered orally or in writing as above.

## **12. Agenda items requested by members**

12.1 Any member of a committee or sub-committee may propose under rule 7.1(I) above an item to be considered at a future meeting of that committee or sub-committee. The member shall give notice of such items to the chairman and to the Service Manager (Democratic Services) no later than noon seven working days before the date of the meeting (not including the day of the meeting) together with a brief explanation of the item and its purpose, which will then be published on the agenda.

12.2 To be eligible for consideration, the item proposed must fall within the terms of reference or the delegated powers of the committee or sub-committee.

12.3 The member shall present his or her proposal to the committee or sub-committee and may be questioned on it before the committee or sub-committee resolves whether or not to refer the matter to a future meeting for report and consideration in the usual way.\*

*\*This section is new for non-scrutiny committees and responds to the recommendation that at the end of each meeting there should be the opportunity for members to propose future items of business.*

Approved by the Group as drafted.

## Questions on notice

13.1 Subject to paragraph 13.5 below, a member may submit in writing to the Service Manager (Democratic Services) a question on notice for:-

- (a) the Chairman; or
- (b) the Chairman of any sub-committee

on any matter in relation to which the committee or sub-committee has powers or duties.

**At present FH limit the length of the question to 150 words. There is no such provision in the SE constitution. No limit is proposed, in the interests of flexibility, although this is an option if desired.**

The Group approve the above as drafted.

13.2 A Member may ask only one question on notice under 13.1 at each meeting and

- a) must submit it in writing to the Service Manager (Democratic Services) no later than noon seven working days before the meeting, not counting the day of the meeting; or
- b) if the question is urgent and the member has the consent of the member to whom the question is to be put, must submit it in writing to the Service Manager (Democratic Services) by noon on the working day before the meeting.

**This proposal means that normally the question will appear in the agenda, but gives flexibility for urgent cases.**

Approved by the Group as drafted.

13.3 Every question on notice will be answered without discussion. The member who is asked the question on notice may ask another member to answer. An answer may take the form of:-

- (a) a direct oral answer summarised in the minutes;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally at the meeting, a written answer sent by the appropriate officer and/or relevant member to all members within five working days of the meeting.

13.4 A member asking a question on notice under paragraph 13.1 may ask one supplementary question, without notice, of a member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.\*

**\*Suggested time limit on which views are sought – ten minutes is consistent with the rules of debate which limits speeches to five minutes i.e. five minutes each for the question and answer**

Ten minutes approved by the Group.

13.5 If the member who gave notice of the question is not present at the meeting, any other member may ask that question but if that does not occur the Chairman shall proceed to the next item of business. The question shall be deemed to have been withdrawn and may not be asked unless notice is given again in accordance with 13.1 above.

#### **14. Motions which need written notice**

14.1 Except for motions which can be moved without notice under rule 15, written notice of every motion must be delivered to the Service Manager (Democratic Services) no later than noon seven working days before the meeting, not counting the day of the meeting. Motions must be about matters for which the committee or sub-committee has a responsibility.

14.2 Each member may put one motion on notice at each meeting.

14.3 All motions on notice received under 14.1 will be set out in the agenda in the order in which they have been received.

14.4 A member may withdraw a motion on notice at any time.

14.5 A motion on notice under 14.1 can be moved at the meeting by any member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with 14.1 above.

14.6 Any motion on notice under paragraph 14.1 of these rules, on being moved and seconded, will usually, without discussion, be referred to a future meeting for report and consideration. The Chairman may, if he or she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded provided that the motion, if carried, would not involve the council in expenditure not included in the council's approved revenue or capital budget.

#### **15. Motions and amendments which may be moved without notice**

15.1 The following motions and amendments may be moved without notice:-

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to receive the reports or adopt the recommendations of any sub-committees, or reports and recommendations of officers, and any consequent resolutions;
- (e) to refer something to an appropriate body or individual;
- (f) to withdraw a motion;
- (g) to extend the time limit for speeches;
- (h) to suspend any of these rules for the whole or part of the meeting;



- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) to vote on a motion;
- (l) to vote on an amendment;
- (m) to adjourn a debate;
- (n) to adjourn a meeting;
- (o) to exclude or readmit the public and press in accordance with the Access to Information Rules;
- (p) to direct that a member named under rule 20.3 be not further heard or to exclude them from the meeting under rule 20.4.

15.2 A motion by the Chairman under paragraph 15.1(o) of these rules, to exclude the public for an item of business, will be dealt with before any other motion on that item and will be voted on without discussion.

## **16. Rules of debate**

### **16.1 No discussion until motion or amendment seconded**

A motion or amendment will not be discussed or recorded in the minutes unless it has been proposed and seconded.

### **16.2 Motion may need to be in writing**

If the Chairman requires, the motion will be put in writing before it is further discussed.

### **16.3 Secunder's speech**

When seconding a motion or an amendment, a member may reserve the right to speak at a later point in the debate.

### **16.4 Content and length of speeches**

16.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

16.4.2 No speech will be longer than five minutes,\* except as allowed by the committee or sub-committee following a motion moved and carried under rule 15.1(g), and will be about the matter under discussion.

16.4.3 The five minutes time limit will not apply to a member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.\*

***\*The five minute time limit already applies at both FHDC and SEBC but in the FHDC constitution there is no provision for proposers to speak for longer. There is provision under rule 14.1(g) for the length of speeches to be extended with the agreement of the meeting.***

Wording of 16.4.3 approved by the Group as drafted.

### **16.5 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:-

- (a) to speak once on an amendment moved by another member;
- (b) to move an amendment;

- (c) to move a further amendment (if the motion has been amended since he/she last spoke);
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply in accordance with paragraph 16.9 of those rules;
- (f) on a point of order in accordance with 16.12 below; and
- (g) by way of personal explanation in accordance with 16.13 below.

#### **16.6 Amendments to motions**

(a) An amendment to a motion must be relevant to the motion and will either be:-

- (i) to refer the matter to an appropriate body, forum, or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words;

as long as the effect of (ii) to (iv) is not to cancel the effect of the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under consideration has been dealt with.

(c) If an amendment is lost, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion, as amended, will take the place of the original motion and will become the actual motion upon which any further amendment may be moved.

(e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, before putting it to the vote.

#### **16.7 Alteration of motion**

A Member may, with the agreement of the Chairman, and without discussion:-

- (a) change a motion of which he/she has given notice under rule 13; or
- (b) with the agreement of his/her seconder, change a motion which he/she has moved;
- (c) but only alterations which could be made as an amendment in accordance with paragraph 16.6(a) of these Rules may be made.

#### **16.8 Withdrawal of motion**

(a) A motion or an amendment may be withdrawn by the mover, but only with the consent of the seconder and the Chairman, which will be given without discussion.

(b) No member may speak on the motion after the mover has asked for consent to withdraw it, unless consent is not given.

### **16.9 Right to reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion also has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

(d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.

(e) After every reply to which this rule refers, a vote will be taken without further discussion.

### **16.10 Motions which may be moved during a debate**

16.10.1 When a motion is being discussed, no other motion may be moved except the following (non-closure) motions:-

(a) to withdraw a motion;

(b) to amend a motion;

(c) that the subject of debate:-

(i) be referred to the appropriate forum for consideration; or

(ii) be referred back to the appropriate forum for further consideration.

(d) to exclude the public and press in accordance with the Access to Information Rules; and

(e) that a member be not further heard in accordance with rule 20.3.1; and

(f) by the Chairman, in accordance with rule 20.4.1, that a named member leave the meeting.

16.10.2 Any of the motions under paragraph 16.10.1 of these rules will not take away from the mover of the original motion the right to reply.

### **16.11 Closure motions which may be moved during a debate**

(a) A member may move, without comment, any of the following closure motions at the end of a speech of another member:-

(i) to move to the next business;

(ii) that the question be put;

(iii) to adjourn the debate; or

(iv) to adjourn the meeting.

(b) If a motion "to move to the next business" or "that the question be put" is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the closure motion to the vote. If it is passed,

the Chairman will give the mover of the original motion a right of reply before putting that original motion to the vote.

(c) If a motion "to adjourn the debate" or "to adjourn the meeting" is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the closure motion to the vote without giving the mover of the original motion the right of reply.

#### **16.12 Point of order**

16.12.1 A member may ask to make a point of order at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.

16.12.2 A point of order will only be about a claimed breach of a provision of the committee procedure rules or of law; and the member will indicate the paragraph(s) or law and the way in which he/she considers it has been broken.

16.12.3 The ruling of the Chairman on the matter will be final and will not be open to discussion.

#### **16.13 Personal explanation**

16.13.1 A member may ask to give a personal explanation at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.

16.13.2 A personal explanation will be confined to some material part of an earlier speech by the member which may appear to have been misunderstood in a later stage of the debate.

16.13.3 The ruling of the Chairman on the admissibility of a personal explanation will be final.

#### **17. Approval and signing of minutes**

17.1.1 The Chairman will sign the minutes of the proceedings, once they are confirmed as a correct record, at the next suitable meeting.

17.1.2 In this regard, the Chairman will seek a mover and seconder for the motion "that the minutes of the meeting of the meeting held on ..... be confirmed and signed as a correct record".

17.1.3 There will be no discussion on the minutes, except by way of a motion upon their accuracy.

#### **17.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting**

The minutes of the preceding meeting of the committee or sub-committee may be submitted to an extraordinary or special meeting of that body for approval if convenient and practicable to do so but otherwise will be submitted to the next ordinary meeting.

#### **17.3 Content of minutes**

##### *Recommendations*

17.3.1 Every decision of a committee which is not within its delegated authority will be indicated by the word "RECOMMENDED", and will require Council approval.

## *Decisions*

17.3.2 Every decision of a committee which is within its delegated authority will be indicated by the word "RESOLVED".

17.3.3 The recommendations of a meeting of a sub-committee will be sent to the next convenient meeting of the parent committee.

## **18. VOTING**

### **18.1 Simple majority**

Unless this constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present at the time the question was put.

### **18.2 Chairman's casting vote**

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

18.2.2 In the case of the Chairman refraining from exercising a second vote the motion or amendment being voted on will not be carried.

### **18.3 Show of hands**

Unless a recorded vote is demanded under paragraph 18.4 of the Rules, the Chairman will take the vote by show of hands,\* or if there is no dissent, by the affirmation of the meeting.

**\*The Forest Heath rules currently permit the use of voting papers for appointments if a motion to that effect is passed . See Appendix 1 below. Views are sought on whether this system should apply at either or both councils.**

The Group makes no recommendation and leaves the decision to the meetings on 25 March.

### **18.4 Recorded vote**

18.4.1 If, before a vote is taken, a member asks that the voting be recorded and the request is supported by [four/five] other members (who will show their support by standing up):-

- (a) the officer advising the Chairman at the meeting will call the name of each member present at the meeting;
- (b) the member will say whether he or she is for or against the motion or is abstaining; and
- (c) each member's response will be recorded in the minutes.

18.4.2 There will also be a recorded vote when required by law.

### **18.5 Right to require individual vote to be recorded**

Where any member so requires, immediately after a vote has been taken on any matter, the minutes must record whether that member voted for or against or abstained.

### **18.6 Voting on appointments \***

18.6.1 If there are more than two people nominated for any position to be filled and there is not an overall majority of votes in favour of one person,

then the name of the person (or persons) with the fewest votes will be taken off the list and a new vote taken;

18.6.2 In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining, the above provision will not apply and the officer advising the chairman at the meeting will draw lots to determine which of the candidates with fewest votes will proceed to the next round;

18.6.3 Where more than one position is contested (for example, there are to be two vice-chairmen of a committee) each position will be voted on separately; and

18.6.4 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the officer advising the Chairman at the meeting to decide which person is elected.

***\*See the note to 18.3 above. 18.6 will apply only if the voting paper system is not retained, or is retained but not used on any given occasion.***

## **19. Exclusion of public**

19.1 If a matter may fall within the list of exempt or confidential information set out in Section 100(A)(4) of the Local Government Act 1972, the matter will not be discussed until the meeting has decided whether the public should be excluded from the meeting.

19.2 Members of the public may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or rule 21 (Disturbance by Public).

## **20. Members' conduct**

### **20.1 One member to speak at a time**

(a) When speaking, a member will sit at his/her place and address the Chairman. If two or more members indicate to speak at the same time, the Chairman will call on one to speak; and

(b) While a member is speaking, all other members will remain silent unless asking to make a point of order or of personal explanation.

### **20.2 Respect for the chair**

Whenever the Chairman rises during a debate the member then speaking will stop speaking and the meeting will be silent.

### **20.3 Member not to be heard further**

20.3.1 If, at a meeting, any member, in the opinion of the Chairman, repeatedly ignores the Chairman's ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the meeting, the Chairman or any other member may move

"That the member named be not further heard"

and the motion, if seconded, will be voted on without discussion.

### **20.4 Continuing misconduct of a named member**

20.4.1 If the member named continues to behave improperly after a motion in accordance with paragraph 20.3 is carried, the Chairman will move a motion that either

(a) the meeting be adjourned for however long the Chairman states; or

(b) the member named leave the meeting.

If seconded, the motion will be voted on without discussion.

20.4.2 If, after a motion under paragraph 20.4.1 of these rules has been carried, the member named does not leave the meeting, the Chairman may order the removal of the member and may adjourn the meeting without debate or resolution to enable removal to take place.

### **20.5 General disturbance**

In the event of general disturbance among the members which, in the opinion of the Chairman, makes it impossible to carry on the meeting, the Chairman may move a motion which will be voted on without seconding or discussion, to adjourn the meeting for however long the Chairman states.

### **20.6 Interpretation of rules - ruling of Chairman not to be challenged**

The decision of the Chairman about the meaning or use of any of these rules, or about any proceedings of the committee or sub-committee, is final and may not be challenged.

### **20.7 Interests of members in matters under discussion**

Members must observe the rules in the Members' Code of Conduct in Part 5 of this constitution. Any member declaring a disclosable pecuniary interest must leave the room where the meeting is being held for as long as the matter is being considered.

## **21. Disturbance by public**

### **21.1 Removal of member of the public**

If a member of the public interrupts the proceedings of any meeting, the Chairman will warn the person concerned not to interrupt. If the interruption is repeated, the Chairman will order the removal of that person from the meeting room. The Chairman may without debate or resolution adjourn the meeting to allow removal to take place.

### **21.2 Clearance of part of meeting room**

In the case of general disturbance in any part of the meeting room open to the public the Chairman will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The Chairman may without debate or resolution adjourn the meeting to allow clearance to take place.

### **21.3 No re-admittance for those removed**

In the case of paragraphs 21.1 and 21.2 above, any member of the public removed from a meeting following a disturbance will not be re-admitted during the remainder of that meeting.

## **22. Suspension and amendment of committee procedure rules**

### **22.1 Suspension**

All of these committee procedure rules except rule 18.4 (recorded vote) may be suspended by motion on notice (in accordance with rule 14.1) or without notice under if at least one half of the whole number of members of the committee or sub-committee are present. Suspension can only be for the whole or part of the meeting at which they are suspended.

### **22.2 Amendment**

Any motion to add to, vary or revoke these rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the committee or sub-committee with a report and recommendation from the appropriate forum/officer.

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## **Appendix 1**

*What follows is the current provision in the FHDC constitution for secret ballots when voting on certain appointments. Members' views are sought on whether this should be replaced by a show of hands in all cases, retained at FHDC, or retained at FHDC and introduced at SEBC.*

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.