

PART 4.2

PROCEDURE RULES FOR CABINET AND ALL COMMITTEES

Note: Please refer to the [Practice Note](#) containing the current list of the persons referred to below as “Designated Officer”

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PART 4.2

PROCEDURE RULES FOR CABINET AND ALL COMMITTEES

In these Rules the term “body” refers to the Cabinet, a committee or a sub-committee

4.2.0 INTRODUCTION

4.2.0.1 The “Procedure Rules for Cabinet and Committees” are the Rules explaining how Cabinet, Committee and Sub-Committee meetings should be conducted. These Rules must be read alongside: -

- a) The Council Meeting Procedure Rules in Part 4.1 relating to meetings of Full Council;
- b) The Executive Procedure Rules in Part 4.4 which deal with the meetings of the Cabinet and its committees;
- c) The Overview and Scrutiny Procedure Rules in Part 4.5; and
- d) The Access to Information Procedure Rules in Part 4.6.

4.2.1 DATE, TIME AND PLACE OF MEETINGS

4.2.1.1 Meetings will be held on the dates set out in the programme of meetings produced annually by the designated officer. Meetings will normally be held in public.

4.2.1.2 Meetings will normally be held at the Civic Centre, Chelmsford. If meetings are not held at the Civic Centre, the notice of and agenda for the meeting will specify the venue.

4.2.1.3 The cancellation or postponement of a scheduled meeting will follow the procedure set out in the Practice Note associated with this Rule.

4.2.2 NOTICE OF AND AGENDA FOR MEETINGS

4.2.2.1 The designated officer will give public notice of meetings in accordance with the Access to Information Rules in Part 4.6 and will send an agenda to each member of the body concerned specifying the date, time and place of the meeting and the business to be transacted.

Cabinet meetings

4.2.2.2 At least 28 days’ advance notice must be given of any meeting of the Executive to consider: -

- a) Confidential or exempt information i.e. a meeting in private;

b) A Key Decision.¹

4.2.2.3 That information, together with an outline of any other business which it is anticipated will be considered at the meeting, will take the form of an Executive Decisions Notice published by the designated officer.

Private meetings of the Cabinet

4.2.2.4 The Council must publish a notice, as set out in Rule 4.2.2.2 and 4.2.2.3 above.

4.2.2.5 At least five clear working days before the meeting, a further notice must be published confirming the holding of the private meeting and providing an outline of the matters to be discussed. This will normally take the form of the agenda for the meeting and will include details of any representations made in connection with the meeting and the responses given.

4.2.2.6 The agreement of the Chair of the Overview and Scrutiny Committee or, in their absence, the Mayor, must be obtained to the holding of the meeting if the meeting is urgent and the necessary notice cannot be given.

Key Decisions

4.2.2.7 The Council must publish a notice as set out in Rule 4.2.2.2 above that it intends to take a Key Decision.

4.2.2.8 Where it is impracticable to give the full notice, five clear days' notice must be given to all members of the Overview and Scrutiny Committee.

4.2.2.9 When a Key Decision is urgent and five clear days' notice cannot be given, the Chair of the Overview and Scrutiny Committee must agree that the decision is urgent and cannot reasonably be deferred.

4.2.3 ELECTION OF CHAIR AND VICE CHAIR

Chair and vice Chair of a committee

4.2.3.1 The Chair and vice Chair of each committee for the following municipal year will be elected by the Council at its Annual Meeting. If either position becomes vacant during the year, the Full Council will elect a replacement.

Absence of Chair/vice Chair

4.2.3.2 If the Chair is absent from a meeting the vice Chair will chair the meeting. If both the Chair and vice Chair are absent, the body will elect a Chair for the meeting.

¹ See also: [Key Decisions Practice Note, available on the Council's website.](#)

Chairing the Cabinet

4.2.3.3 The Leader of the Council will chair meetings of the Cabinet. The Deputy Leader will normally be the vice Chair of the Cabinet. If neither the Leader nor Deputy Leader are present then a Cabinet Member appointed to do so by those present shall preside.

4.2.4 QUORUM

Committees

4.2.4.1 The quorum of a meeting will be as follows: -

- a) For a body comprising up to and including 10 members – three members
- b) For a body comprising 11 or more members – five members (with the exception of the arrangements described in Rules 4.2.4.3 and 4.2.25)

4.2.4.2 If there is no quorum 15 minutes after a meeting is due to start, the meeting will be adjourned to a date and time specified at the meeting or notified to members of the body later. If at any time during a meeting there are insufficient numbers present to form a quorum the meeting will be adjourned.

Exception:

4.2.4.3 When hearing representations under the Licensing Act 2003 only four members of the Licensing Committee shall be expected to attend meetings at any one time. The quorum for such meetings will be three.

Cabinet

4.2.4.4 The quorum for a meeting of the Cabinet shall be three. The quorum for a Committee of the Cabinet (Executive) will be decided by the Cabinet when establishing the body.

4.2.5 COUNCILLORS' INTERESTS

4.2.5.1 A councillor must, where they have a Disclosable Pecuniary Interest (DPI) as defined under the Code of Conduct for Councillors: -

- a) disclose that interest at the commencement of the meeting, or as soon as they become aware that they have such an interest, in all or any items under debate at that meeting; and
- b) withdraw from the meeting room, including any public areas, during the whole of the consideration of any item of business in which they have a DPI, other than where they are permitted to remain as a result of the grant of a dispensation.

4.2.6 **PROPORTIONALITY OF MEMBERSHIP**

4.2.6.1 All non-executive committees and sub-committees (i.e. bodies that are not the Cabinet or any of its committees) shall, in terms of their total membership and as far as possible, reflect the overall political balance of the Council.

4.2.7 **MEMBERSHIP OF COMMITTEES IN AN ELECTION YEAR**

Re-elected members to continue

4.2.7.1 After each of the four yearly elections of councillors to the City Council, those councillors who had been members of the bodies on the date of the election and who have been re-elected will form the membership of the particular body during the period between the election and the Annual Meeting of the Council.

Committees and sub-committees

4.2.7.2 In the case of bodies other than the Cabinet or its committees, if there are insufficient members re-elected, then the Mayor may appoint additional members to serve until the Annual Meeting.

4.2.8 **SUB-COMMITTEES OF COMMITTEES**

4.2.8.1 A committee may create formal sub-committees of such size and membership as it may decide. Each sub-committee must be politically balanced. Sub-committees will cease to exist:

- a) once the purpose for which it was set up has finished;
- b) if the parent body ceases to exist; or
- c) if the parent body decides to abolish it or change its function.

4.2.8A **WORKING GROUPS**

4.2.8A.1 A non-Executive body may create such Working Groups of such size and membership as it may decide. Working Groups need not be politically balanced but should, where possible, comprise members of all political groups on the Council. All groups will be permitted to appoint substitute member(s) to any seat(s) allocated to their particular group.

4.2.8A.2 The Cabinet Member whose portfolio is most closely associated with the general work of a Working Group shall be entitled to attend its meetings and speak at them. Other Cabinet Members may, with the permission of the Chair of the Working Group, attend and speak at its meetings if it is

considering a matter related to their portfolios.

- 4.2.8A.3 Other members of the Council may, with permission of the Chair of the Working Group attend meetings of a Working Group but will not be entitled to speak.

4.2.9 ADDITIONAL MEETINGS OF BODIES

Cabinet and its committees

- 4.2.9.1 Additional meetings of the Cabinet may be called by:

- a) the Leader;
- b) the designated officer with the approval of the Leader; or
- c) three members of the Cabinet in writing to the designated officer.

Committees and sub-committees

- 4.2.9.2 Additional meetings of non-Executive bodies may be called by the designated officer, either with the agreement of the Chair of the body or as a result of a written request from at least a quarter of the members of the body concerned.

4.2.10 ATTENDANCE AT MEETINGS BY COUNCILLORS WHO ARE NOT FORMAL MEMBERS

- 4.2.10.1 Any councillor may attend any meeting of a Member Body and, with the consent of the Chair, speak.

- 4.2.10.2 A councillor shall have the right to speak in the following circumstances: -

- a) if they have made a proposal to the Council which has been referred for consideration to a particular body;
- b) if they have made a request under Rule 4.2.16 of the Rules Common to Cabinet and all Committees;
- c) if they are the ward councillor in the case of a planning application coming before the relevant committee; or under Rule 4.4.5.7 of the Cabinet Procedure Rules.

4.2.11 APPOINTMENT OF SUBSTITUTES AT MEETINGS

Arrangements for substitution

- 4.2.11.1 With the exception of meetings of the bodies referred to in Rules 4.2.11.7 and 4.2.11.8, a councillor (described in this Rule as the "appointing member") may appoint another councillor (a "substitute") to attend a meeting of a Member Body in his or her place.

- 4.2.11.2 No councillor may be a substitute who is already a member of the body

concerned.

4.2.11.3 At the start of each meeting the Chair shall ask for any substitutions to be reported, and this shall be listed in the record of the meeting.

4.2.11.4 Substitutes shall be from the same political group as the appointing member. The appointing member shall obtain the agreement of the other member to his or her appointment as a substitute.

4.2.11.5 Substitutes shall have the full rights of other members at the meeting.

4.2.11.6 Substitutes shall be appointed for the whole of a meeting, unless a meeting is adjourned to a later date in which case the substitution shall cease at the time of the adjournment.

Exceptions

4.2.11.7 No substitutes shall be permitted at meetings of the: -

- a) Cabinet
- b) Licensing and Regulatory Committee

4.2.11.8 Substitutes at meetings of sub-committees must be drawn from the relevant committee.

4.2.11.9 At the Annual Meeting of the Council, each Group on the Council will be permitted to nominate members to act as substitutes on the Planning and Governance Committees for the ensuing year, provided that those members receive appropriate training on the work of those committees before acting as substitutes. In the case of the Planning Committee, each Group may nominate three named members, and in the case of the Governance Committee, one named member.

4.2.12 PUBLIC DISORDER

4.2.12.1 If a member of the public interrupts proceedings, they will be warned by the Chair. If they continue to interrupt, the Chair will order their removal from the meeting room.

4.2.12.2 If there is a general disturbance in any part of the meeting room, the Chair may call for that part to be cleared.

4.2.13 BEHAVIOUR OF COUNCILLORS

When speaking

4.2.13.1 When speaking at committee meetings councillors must address the

meeting through the Chair. If more than one councillor at a time wishes to speak, the Chair shall call on one of them to speak first.

Councillor not to be heard further/leaves the meeting

4.2.13.2 If a member persistently disregards the ruling of the Chair by behaving improperly, offensively or obstructively, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion. The Chair may also ask the member to apologise.

4.2.13.3 If the member continues to act improperly after a motion that they be not heard further, the Chair may move either that the member leaves the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance by councillors

4.2.13.4 If general disturbance by councillors makes conduct of the meeting impossible, the Chair may adjourn the meeting for as long as he thinks necessary.

4.2.14 QUESTIONS BY THE PUBLIC AT MEETINGS

4.2.14.1 At each meeting any Citizen may, after having given their name (and address to officers), ask one question or make a statement at the allotted time. All questions must be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be asked. Copies of all questions will be made available with the agenda on the Council's website no later than six hours before the meeting. The Chair of a meeting may, at their discretion, permit a question to be put at the meeting where less than 24 hour notice has been given.

4.2.14.2 The time taken to ask a question or make a statement shall not exceed two minutes and the total time for public questions and statements at meetings shall not exceed 20 minutes, although the Chair may agree to extend that period.

4.2.14.3 The Chair shall not allow a question if it: -

- a) concerns a matter for which the body is not responsible;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as another question to the same meeting; or
- d) requires disclosure of exempt or confidential information.

4.2.14.4 A supplementary question may be asked at the Chair's discretion. Supplementary questions are not afforded to the public at Planning Committee.

4.2.14.5 Questions shall normally be put in the order in which they have been received, although the Chair may group together questions on a common subject and may decide that questions relating to items on the agenda should be taken in conjunction with those items, rather than at the allotted time.

4.2.14.6 The person to whom a question is asked may decline to answer but shall give a reason for not doing so. Where a response is given, the question will be answered without discussion and the answer given will be adequate and reasonable in the context of the question. Where a question cannot be answered orally at a meeting, a written response may be provided after the meeting.

4.2.15 PETITIONS

4.2.15.1 Petitions submitted to the Council shall be accepted and responded to in accordance with the Petition Scheme in Part 4.3 of the Constitution. The designated officer shall be responsible for the administration of the Scheme.

4.2.16 COUNCILLORS' ITEMS OF BUSINESS

Notice

4.2.16.1 Any Councillor (referred to in this Rule as a "Sponsoring Member") may request that an item of business be placed on the agenda for a meeting. The request may take the form of a motion or an item for discussion. The request must: -

- a) be in writing and signed by the councillor (or, if in the form of an email, state formally the name of the councillor making the request);
- b) state to which body the request is being referred, the date of the meeting and precisely what the councillor wishes the body to consider or decide;
- c) be within the terms of reference of the body to which it is referred; and
- d) be received by the designated officer 14 calendar days before the meeting to which the request is being referred.

4.2.16.2 The request must not: -

- a) be scurrilous, improper, capricious or irrelevant; if the designated officer believes that it is, the Sponsoring Member will be informed and asked either to amend or withdraw the request. An amended request will only be accepted on an agenda if it is received 10 calendar days before the meeting; or
- b) relate to an item already on the agenda for the meeting.

4.2.16.3 The Sponsoring Member may withdraw a request under this Rule at any time.

Consideration of Councillors' items

4.2.16.4 The agenda for the meeting will set out the details of the matter a councillor has asked to be considered. It will not normally be accompanied at this stage by a written report. The body may: -

- a) consider the request and agree a response to it;
- b) refer the request to another body;
- c) defer consideration of the request to a future meeting; or
- d) ask that officers prepare a written report on the matter to a future meeting.

Entitlements of Sponsoring Member

4.2.16.5 The Sponsoring Member shall be entitled to attend the meeting to which their request has been referred and any subsequent meeting at which it is considered. If the Sponsoring Member is unable to attend the meeting, they may appoint another councillor to speak to it in their place. If the Sponsoring Member fails to attend the meeting or does not appoint another councillor to speak on their behalf, the request will be regarded as having been withdrawn.

4.2.16.6 If the request takes the form of a motion the following procedure will be followed:

- a) the Sponsoring Member may speak for up to five minutes on his request; the request will only be discussed further if it is formally moved and
- b) seconded by members of the body to which it has been referred;
- c) if moved and seconded, the Sponsoring Member will have a right of reply not exceeding five minutes to any subsequent debate on it before any vote is put.

4.2.16.7 If the request is an item for discussion, the Sponsoring Member may speak first on it for up to five minutes.

4.2.16.8 Rules 4.1.14 of the Council Procedure Rules relating to amendments to motions will apply to motions the subject of this Rule.

Notification of decision to Sponsoring Member

4.2.16.9 The designated officer will notify the Sponsoring Member in writing of any decision of a Member Body on his or her request.

4.2.17 RULES OF DEBATE

Nature of debate

- 4.2.17.1 Debate or discussion on items of business at committees will not normally follow the formal Rules of Debate that are applicable to Full Council meetings. In particular, there will be no limit on the number of times a member of the body may speak on an agenda item or for how long. However, the Chair will at all times have control over and discretion on the conduct of debate, which they will use to ensure that all members of the body receive, as far as possible, fair and equal opportunity and treatment.

Procedural rules

- 4.2.17.2 The following Council Procedure Rules will apply to members of the Cabinet, a committee or a sub-committee at meetings of those bodies:
- a) How to move a motion – Rule 4.1.14.2
 - b) Seconding of a motion – Rule 4.1.14.3
 - c) Amendments to motions – Rules 4.1.14.8-12
 - d) Alteration of motion: Rule 4.1.14.13
 - e) Withdrawal of a motion: Rule 4.1.14.14
 - f) Right of reply: Rules 4.1.14.15 and 4.1.14.16
 - g) Closure motion: Rule 4.1.14.18
 - h) Point of procedure: Rule 4.1.14.20
 - i) Personal explanation: Rule 4.1.14.21

- 4.2.17.3 Rules 4.2.16.6 and 4.2.16.7 of these Rules will only apply to motions moved by a Sponsoring Member.

4.2.18 VOTING

Agreement by majority

- 4.2.18.1 Any matter that is put to the vote will be decided by a simple majority of those present and voting at the time the vote is taken.

Chair's casting vote

- 4.2.18.2 If there are equal numbers of votes for and against a proposal, the Chair of the meeting will have a second or casting vote which they will use or not at their discretion.

Voting by show of hands

- 4.2.18.3 Unless a recorded vote is requested under Rule 4.2.18.4 or the person chairing the meeting proposes a vote by assent, voting will be by a show of hands.

Recorded vote

- 4.2.18.4 If, before a vote is taken, three or more councillors request that a record of the vote be made, the names of those voting for or against or abstaining will be recorded in the minutes.

4.2.19 **MINUTES**

4.2.19.1 The minutes of a meeting shall be signed by the Chair of the meeting at the next suitable meeting. There will be no discussion on them except on their accuracy. A motion to correct their accuracy must be seconded.

4.2.20 **RECORD OF ATTENDANCE**

4.2.20.1 All councillors present for all or part of a meeting must sign their names on the attendance sheet and shall have their attendance recorded in the minutes.

4.2.21 **MINORITY REPORTS**

4.2.21.1 A minority of councillors at any meeting shall not be entitled to present a formal report to the Cabinet or the Council.

4.2.22 **RESIGNATION FROM MEMBERSHIP**

4.2.22.1 Any councillor wishing to resign from a body shall give notice in writing to the designated officer and the relevant Group Secretary, where there is one, and the resignation will take effect immediately. The resignation will be reported to the next appropriate meeting of the Full Council.

4.2.23 **OTHER LOCAL AUTHORITY REPRESENTATION**

4.2.23.1 Any other local authority may be invited to speak by the Chair at meetings of an executive or non-executive body at a time they consider appropriate. A representative shall not speak for more than 5 minutes on a single item, except with the Chair's consent, and the Chair may decide not to allow an objectionable item.

4.2.23.2 The matters which may be raised are only those where there has been a formal consultation between the Council and the other local authority. The other authority must give prior notice to the designated officer of its wish to be heard, setting out the subject on which it wishes to speak, the formal consultation which took place, and the name of its representative at the meeting.

4.2.24 RECORDING OF MEETINGS²

- 4.2.24.1 Citizens and representatives of the media are entitled to make sound or visual recordings of, and to transcribe, meetings of the Council, the Cabinet, committees and sub-committees to which they have a right of access.
- 4.2.24.2 Members of the public or officers present at a meeting may not be filmed without their consent. Any persons under the age of 18 may not be filmed regardless.
- 4.2.24.3 If in the opinion of the Chair a visual recording is disrupting the meeting they may require that it be done in such a way as to avoid disruption or be ceased if that cannot be achieved. If it is their view that the recording is contravening Rule 4.2.24.2 the Chair shall warn the person making the recording. If the contravention continues the Chair may require that the recording cease for the remainder of the meeting.

4.2.25 RULES SPECIFIC TO CERTAIN COMMITTEES

Governance Committee

- 4.2.25.1 The Committee's hearing of complaints alleging misconduct by a councillor will operate in accordance with the procedures agreed by the Governance Committee and contained in Part 5.1.2.

Licensing Committee

- 4.2.25.2 The Committee's hearing of representations in respect of licences and its determination of applications for those licences shall operate in accordance with regulations and guidance issued under the Licensing Act 2003 and the Gambling Act 2005.

Planning Committee

- 4.2.25.3 The Committee's consideration of planning applications shall operate in accordance with the Planning Code in Part 5.2.
- 4.2.25.4 A member of the Committee may not take a decision on a planning matter for which the Council is responsible under the Town and Country Planning Act 1990 if the matter has previously been considered by the Committee at a meeting at which that member was not present.
- 4.2.25.5 In addition to any requirement to give notice of any questions or comments the following time limits will apply to any speakers at the committee:-

Ward councillor(s) or cabinet member(s) – 5 minutes

² See [Part 4.7 for the policy on recording of meetings](#)

One lead Parish tier councillor speaking on behalf of a parish tier council
– 5 minutes

Any other public speakers – 2 minutes

Nothing in this rule entitles a speaker to submit new material or documents at this point in the planning process.