

Meetings General Procedure Rules

INTRODUCTION

The Council is required by law to have procedural rules that govern proceedings at meetings of its Panels and Committees.

For the purposes of these Rules a Sub-Committee includes a Panel, Board, Working Group or Task and Finish Group.

CONTENTS

Rule [Page]

1. Appointment of Panels, Committees and Sub-Committees [1]
2. Meetings of the Cabinet, Panels and Committees [2]
3. Previous decisions of meetings [3]
4. Attendance at meetings [3]
5. Public Participation at all Public Meetings (Have Your Say!) [4]
6. Quorum for Meetings [5]
7. Members' Interest [5]
8. Rules of Debate [8]
9. Voting [9]
10. Disorderly Conduct [10]
11. Adjournment of Discussions and Closure [11]
12. Matters of Urgency [11]
13. Conduct of Meetings [11]
14. Mandatory Training for Councillors sitting on the Local Plan Committee [13]
15. Interpretation [13]

Meetings General Procedure Rules

1. Appointment of Cabinet, Panels, Committees and Sub-Committees

- (1) The Council shall appoint a Cabinet and such Panels, Committees and Sub-Committees as it thinks fit.
- (2) The Cabinet and every Panel, Committee and Sub-Committee appointed by the Council may appoint such other ad hoc forums as it considers necessary for purposes to be specified by the appointing body.
- (3) The political groups on the Council, that is to say the Conservative Party Group, the Labour Party Group, the Liberal Democrat Party Group and Green Party Group, shall each from amongst their members on every Panel, Committee and Sub-Committee to which representatives of their Group have been appointed, appoint one Member of their Group to be their Spokesperson in respect of that Panel, Committee or Sub-Committee.
- (4) The Conservative Party Group shall appoint members from its group to act as opposition lead members to each of the portfolio holders and to be the group's spokesperson on those matters.

2. Meetings of the Cabinet, Panels, Committees and Sub-Committees

- (1) The Cabinet and every Panel, Committee and Sub-Committee shall, at its first meeting, elect one of its Members as Chair and another as Deputy Chair for the ensuing Municipal Year. In the absence from a meeting of the Chair and Deputy, a Chair for that meeting shall be elected by the Panel, Committee or Sub-Committee from amongst its Members.
- (2) The Cabinet shall set the dates and times for the periodical meetings of the Cabinet, Panels, Committees and Sub-Committees for the ensuing Municipal Year except for Call-In Procedure meetings of the Scrutiny Panel and special meetings, which shall be fixed by the relevant body or by the Proper Officer pursuant to paragraph (4) below. Meetings of Sub-Committees shall be fixed by the Proper Officer after consultation with the Chair and Group Spokespersons of the Sub-Committee.
- (3) The Proper Officer may, after consulting the Leader of the Council in respect of the Cabinet and the Chair and Group Spokesperson or in their absence their respective deputies of the appropriate Panel, Committee or Sub-Committee cause the Cabinet, any Panel, any Committee or any Sub-Committee to be summoned.
- (4) Meetings of the Cabinet, Panels, Committees and Sub-Committees shall be arranged by the Proper Officer. The summons to a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

3. Previous decisions of meetings

No matter on which a decision has been reached within the previous six months either by a Panel or Committee acting under delegated powers, shall be further considered unless the Chair or two Group Spokespersons or the Proper Officer is satisfied that circumstances reasonably justify the matter being re-opened.

4. Attendance at meetings

- (1) A Councillor shall have the right to attend as an observer any meeting of the Cabinet, a Panel or a Committee to which the Councillor has not been appointed and provided notice has been given to the Chair or the Proper Officer before the meeting and the Chair has agreed, the Councillor may address the Cabinet, Panel or Committee on a specific item on the Agenda for a period not exceeding five minutes but shall not otherwise take any part in the meeting.
- (2) The right to attend a meeting as an observer shall not extend to any part of a meeting where, after a hearing, a Committee determines the matter before it.
- (3) A Councillor who would have to declare a disclosable pecuniary interest in the specific item in question if a member of the Cabinet, Panel or Committee may not address the Cabinet, Panel, Committee or Sub-Committee pursuant to the provisions of this Rule.
- (4) A Councillor shall have the right to attend as an observer any meeting of any Sub-Committee except that:
 - (a) The Panel or Committee appointing the Sub-Committee may require that this Rule shall not apply to a particular item or class of item to be considered by the Sub-Committee.
 - (b) If a Sub-Committee resolves to exclude the public from a meeting to prevent the disclosure to them of exempt or confidential information, any Councillor who is present and who is not a member of the Sub-Committee shall have the right to remain at the meeting as an observer.
- (5) A Councillor may arrange for a properly appointed Substitute Councillor to attend a meeting of a Panel, Committee or Sub-Committee on their behalf subject to notice being given to the Chair and the Proper Officer prior to the commencement of the meeting. In relation to Licensing Committee, Planning Committee and Governance and Audit Committee, only those Councillors who have undertaken suitable training shall be eligible to attend as a substitute. There shall be no substitute members appointed to the Cabinet.
- (6) A substitute member attending a meeting of a Panel, Committee or Sub-Committee has the same powers and responsibilities as a full member of the Panel, Committee or Sub-Committee.
- (7) A member or Substitute member first in attendance at a meeting of a Panel, Committee or Sub-Committee cannot be substituted or replaced during the course of that meeting.

- (8) Where a member of a Committee /Panel wishes to ask a detailed question on an agenda item, the question must be submitted in writing to Democratic Services at least 24 hours prior to the meeting. The Chair may in the exercise of absolute discretion allow such a question to be asked without notice if there is a good reason why the notice period could not be complied with. [NB. This rule does not apply to Planning Committee or Licensing appeal hearings or Licensing Sub-Committee meetings].

5. Public Participation at all Public Meetings (Have Your Say!)

- (1) At every meeting of the Cabinet, Panel or Committee meetings there shall be an opportunity for up to eight members of the public to ask a question or make a statement on a matter within the terms of reference of that meeting (except in cases where the Cabinet, Panel or Committee is acting in a quasi-judicial capacity or similar or in relation to planning applications). In very exceptional circumstances, the Chair has the discretion to increase the number of Have Your Say! slots available to members of the public.
- (2) A question may only be asked if the member of the public has registered to speak by giving notice to the Head of Governance no later than 12 noon on the working day before the day of the meeting. Each questioner must give the name and contact details of the questioner and the text of the question or statement.
- (3) At any one meeting no person, organisation or group may submit more than one question or statement.
- (4) Questions or statements which have been accepted will be circulated prior to the meeting to those councillors who are members of the Cabinet / Panel or Committee.
- (5) If a question or statement is rejected, then a written explanation as to why it has been rejected will be provided.
- (6) Questions or statements shall normally be dealt with in the order in which notice was received. However, the Chair may revise the order of questions if they consider it appropriate and may group similar questions.
- (7) Public participation at meetings must be made orally in person at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chair. However, the Chair may exercise discretion to allow a question or statement to be read out by an Officer in the absence of the person making it.
- (8) At the absolute discretion of the Chair the order of business for the meeting may be changed for the convenience of the public who wish to participate.

- (9) A member of the public may ask a question or make a statement for a period not exceeding three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will stop speaking whether or not the speech has been concluded.
- (10) The Chair or other member of the meeting will respond to a question posed or statement made by a member of the public in the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a Council publication, a reference to that publication; or
 - (c) where a reply cannot conveniently be given orally, a written answer will be provided within ten working days of the meeting which will also be reported to a future meeting.
- (11) Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.
- (12) A question or statement may be rejected by the Chair if it addresses matters that would be inappropriate to consider at the meeting. For this purpose, "inappropriate" includes any question or statement falling within any of the following categories:
 - (a) defamatory, frivolous, vexatious or offensive
 - (b) substantially the same as any question put to a meeting in the previous 6 months
 - (c) would require the disclosure of Confidential or Exempt Information as defined in the Access to Information Procedure Rules; or
 - (d) already the subject of a separate appeal, adjudication, litigation mediation or dispute resolution.

6. Quorum for Meetings

The quorum for the Cabinet, Panels, Committees and Sub-Committees shall be fifty per cent of the total membership, rounded up in the event of an odd number of members, provided that the minimum quorum shall be three.

7. Members' Interests

Disclosable Pecuniary Interests

- (1) A Councillor has a disclosable pecuniary interest in any business if it is of a description set out in Rule 7(2) below and is either:

- (a) An interest of theirs
 - (b) An interest (of which the Councillor is aware) of a spouse, civil partner or a person they are living with as a spouse or civil partner (“known as a Relevant Person”)
- (2) A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:
- (a) any employment, office, trade, profession or vocation carried on by the Councillor or a Relevant Person for profit or gain;
 - (b) any payment or provision of any other financial benefit (other than from the authority) made or provided (within the period of 12 months ending with the day on which the Councillor gave notification to the monitoring officer of any disclosable pecuniary interests he/she had at the time of the notification) in respect of any expenses incurred in carrying out their duties as a Councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) Any contract for goods, services or works which has not been fully discharged between a Councillor or a Relevant Person and the authority or a body in which the Councillor or a Relevant Person has a beneficial interest;
 - (d) A beneficial interest in any land in the City of Colchester;
 - (e) Any tenancy where to the Councillors knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which a Councillor or a Relevant Person has a beneficial interest;
 - (f) A licence of any land in the City of Colchester (alone or jointly with others) that a Councillor or a Relevant Person occupy for a month or longer.
 - (g) Any beneficial interest in securities of a body where-
 - (i) that body (to the Councillor’s knowledge) has a place of business or land in the City of Colchester and
 - (ii) either:
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

Other Registerable Interests

- (3) A Councillor has an Other Registerable Interest in any business which directly relates to:
- (a) any unpaid directorships
 - (b) any body of which a Councillor is a member or is in a position of general control or management and to which they are nominated or appointed by the Council;
 - (c) any body:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which a Councillor is a member or in a position of general control or management;

Non-Registerable Interests

- (4) A Councillor has a Non-Registerable Interest in any business which:
- (a) directly relates to their financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate;
 - (b) affects:
 - (i) the Councillors own financial interest or well-being;
 - (ii) a financial interest or well-being of a relative of close associate; or
 - (iii) a financial interest or well-being of a body included under Other Registerable Interests (as detailed in Rule 7 (3) (c) above)

Disclosure of Interests

- (5) Subject to Rules 7(6) to 7(7), where a Councillor or a Relevant Person has a Disclosable Pecuniary Interest, or a Councillor has an Other Registerable Interest or Non-Registerable Interest in any business at a meeting of the Council at which they are present and at which that business is being considered, the Councillor must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on their register of Interests or for which they have made a pending notification.
- (6) Rule 9(5) only applies where the Councillor is aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- (7) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 7(5) but by virtue of paragraphs 1 and 2 of Appendix B of the Members Code of Conduct (sensitive interests) details of the interest are not registered in the Council's published Register of Members' Interests the Councillor need not disclose the nature of the interest to the meeting.

- (8) Where a Councillor has an Other Registerable Interest or Non-Registerable Interest in any business of the Council and a function of the Council may be discharged by a Councillor acting alone in relation to that business, they must notify the Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that they will be dealing with the matter even if more than 28 days before they will actually deal with the business.
- (9) Where a Councillor who is a Cabinet member has an Other Registerable Interest or Non-Registerable Interest in any business of the Council which would be disclosable by virtue of Rule 7(5) which constitutes an executive decision, they must notify the Monitoring Officer of that interest and must not take any steps or further steps in the decision on the matter apart from arranging for another Cabinet member to deal with that executive decision.

Disclosure of Interests generally

Effect of Disclosable Pecuniary Interests on participation

- (10) A Councillor may not-
- (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
 - (b) they have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
 - (c) the Councillor is aware that Rule 7(10)(b) is met:
 - (i) participate, or participate further, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taken on the matter at the meeting
- and must withdraw from the room or chamber where the meeting considering the business is being held unless the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring Officer)
- (d) exercise executive functions in relation to that business and
 - (e) seek improperly to influence a decision about that business.
- (11) If a function of the Council may be discharged by a Councillor acting alone and they have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function they may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by themselves).

Effect of Other Registerable Interests on participation

- (12) A Councillor may not-
- (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
 - (b) they have an Other Registrable Interest within the provisions contained in Rule 7(3) in any matter to be considered, or being considered, at the meeting:
 - (i) participate, or participate further, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless the members of the public are also permitted to speak at the meeting or the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring Officer).

Effect of Non- Registerable Interests on participation

- (13) A Councillor may not-
- (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and
 - (b) they have a Non-Registerable Interest within the provisions contained in Rule 7(4)(a) in any matter to be considered, or being considered, at the meeting; or
 - (c) they have a Non-Registerable Interest within the provisions contained in Rule 7(4)(b) in any matter to be considered, or being considered, at the meeting where the matter affects the financial interest or well-being:
 - (i) to a greater extent that it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - (ii) a reasonable member of the public knowing all the facts would believe that it would affect the Councillors view of the wider public interest; -
 - (aa) participate, or participate further, in any discussion of the matter at the meeting, or
 - (bb) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless the members of the public are also permitted to speak at the meeting or the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring Officer).

8. Rules of Debate

- (1) Councillors shall when speaking address the Chair. If two or more Councillors indicate to speak, the Chair shall call on one to speak. Other Councillors may speak out of turn only when wishing to raise a point of order or in personal explanation.
- (2) Councillors shall, in speaking to or of each other, employ the title of "Chair", or "Councillor" as the case may be.
- (3) A Councillor's speech shall be directed to the question under discussion or to a personal explanation or to a point of order.
- (4) Any Councillor who is a member of the Cabinet, Panel, Committee or Sub-Committee, may at any time during the consideration of a matter move a motion relevant to the matter under consideration. Once moved, discussion on the matter can continue but no further motions may be moved until the one already moved has been disposed of.
- (5) Any amendment shall involve the omission, insertion or addition of words but shall not have the effect of introducing a new proposal or of negating the motion before the meeting.
- (6) Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of. A Councillor may indicate an intention subsequently to move a further amendment.
- (7) Immediately after an amendment has been moved, the Chair may ask the proposer of the original motion if the amendment is accepted and if the proposer and the meeting signify acceptance, the original motion shall be deemed amended accordingly.
- (8) If the amendment is lost, other amendments not substantially to the same effect as the amendment already lost, may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (9) When an amendment has been moved, discussion shall be continued to such amendment until it has been disposed of.

Points of Order and Personal Explanation

- (10) A Councillor may indicate on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to:-
 - (a) an alleged breach of these Procedure Rules, or
 - (b) an alleged breach of a statutory provision

The Councillor indicating on a point of order shall specify the Rule or the statutory provision and the manner in which the Councillor considers it to have been breached.

A Councillor indicating in personal explanation shall be confined to some material part of a former speech by the Councillor which may appear to have been misunderstood in the present debate.

- (11) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and binding and shall not be open to discussion.

9. Voting

- (1) Subject to Rules 9 (2) - (4) below, every question shall be determined by show of hands.
- (2) On the requisition of any Councillor supported by two other Councillors, the voting on any question shall be recorded. The record shall show how each Councillor present and voting, voted and also the names of any Councillors present but not voting. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "named vote".
- (3) On the requisition of any Councillor supported by two other Councillors, the number of votes cast for and against any question, together with the number of Councillors present but not voting, shall be recorded. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "recorded vote".
- (4) Where immediately after a vote is taken and any Councillor so requires there shall be recorded in the minutes of the meeting whether that Councillor voted for or against the question or whether that Member abstained from voting.
- (5) When any position or positions is/are to be filled by a meeting, nominations shall be sought and if, after nominations have closed there are more nominees than positions to be filled, a vote shall be taken, each Councillor having one vote only. The nominee(s) with the greatest number of votes shall be appointed to the position(s).
- (6) In the event of a tie, the Chair may exercise a second and casting vote.

10. Disorderly Conduct

- (1) If at a meeting any Councillor, in the opinion of the Chair notified to the meeting, is guilty of misconduct by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the meeting, the Chair or any Councillor may propose:
 - (a) that the Councillor named may not speak further on that item or for the duration of the meeting; or
 - (b) that the Councillor named be excluded from the meeting forthwith.

The proposal, if seconded, shall be put and determined without discussion.

- (2) If a member of the public interrupts the proceedings at any meeting, the Chair shall issue a warning. If the member of the public continues the interruption the Chair shall order the removal of the member of the public from the meeting room. In the case of general disturbance in any part of the meeting room open to the public, the Chair shall order that part to be cleared.
- (3) If a meeting is either interrupted or a disturbance occurs which causes a Councillor who is present at the meeting to feel unsafe, they may move that the meeting be adjourned, which the Chair shall put to the vote without delay.
- (4) In the event of general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair, may without question, adjourn the meeting for such period as the Chair in the exercise of absolute discretion shall consider expedient.

11. Adjournment of Discussions and Closure

- (1) The Chair shall ensure that there are short breaks every 90 minutes during the meeting.
- (2) If the meeting is still proceeding at 9pm, the Chair shall ensure that the item under debate is concluded and then close the meeting and automatically defer any items not dealt with to the next ordinary meeting unless in the opinion of the Chair the remaining business requires a decision to be taken at that meeting due to exceptional circumstances.
- (3) When any Councillor is called by the Chair to speak that Councillor may propose, without discussion, the adjournment of the meeting and no amendment shall be proposed to it unless it relates to the time of adjournment, and it shall be voted on without discussion.

12. Matters of Urgency

Where the Proper Officer considers that a matter of urgency has arisen in connection with the work of a Panel, Committee or Sub-Committee and requires a decision before the next ordinary meeting of the Panel, Committee or Sub-Committee, the Proper Officer after consulting with the Chair and Group Spokespersons of the Panel, Committee or Sub-Committee or in their absence their respective deputies, shall have power to act and shall report the action to the next meeting of the Panel, Committee or Sub-Committee; provided that no action shall be taken under this provision except in matters which have been delegated by the Council to the respective Panel, Committee or Sub-Committee.

13. Conduct of Meetings

- (1) The Proper Officer or nominee may, at any time, advise the Cabinet, Panel, Committee or Sub-Committee on a matter of procedure.
- (2) No Councillor shall leave a Cabinet, Panel, Committee or Sub-Committee meeting without notice to the Chair.
- (3) There shall be no smoking at Cabinet, Panel, Committee or Sub-Committee meetings.

- (4) Discreet use of devices during public Council meetings for photography and filming is permitted but no flash photography will be permitted.
- (5) Audio recording of all public Council meetings by members of the public is permitted. The Council will audio and/or live stream meetings and make them available on the Council's website.
- (6) Discreet use of devices by Councillors during Council meetings for receiving messages and accessing papers and information via the internet is permitted.
- (7) The use of devices by Councillors for social media purposes during meetings shall be at the discretion of the Chair.
- (8) All mobile telephones shall be turned to silent for the duration of meetings.

14. Mandatory Training for Councillors sitting on the Local Plan Committee

- (1) Any Councillor sitting on the Local Plan Committee must have undertaken suitable training (including issues relating to risk management and mitigation) in respect of which the following criteria shall apply:
 - (a) attendance must be at the training session provided within the context of the Member Development Programme and approved by the Head of Planning;
 - (b) attendance must be for the duration of each training session;
 - (c) attendance should be at least every other year, and the Head of Planning may require attendance more frequently should policy or practice around the Local Plan change significantly.
 - (d) Membership of the Committee does not provide any exemption from attendance at training session;
 - (e) a record of attendance at training session will be maintained by Democratic Services.
 - (f) members of the Local Plan Committee must undertake the training before sitting on the Committee but that substitute members may sit on the Committee on one occasion without having undertaken the training.

15. Interpretation

Following consultation with the Proper Officer, the ruling of the Chair as to the construction or application of any of these Rules, or as to any proceedings of any meeting, shall not be challenged at any meeting.