COUNCIL PROCEDURE RULES

SECTION 1 – COUNCIL MEETINGS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place on the third Tuesday after the elections. In any other year, the annual meeting will take place in April or May. No business except that identified below in this Rule and Rule 1.2 will be included on the Agenda of the Annual Council meeting and all other Council Procedure Rules shall be construed accordingly.

The annual meeting will:

(i) Receive a report from the Returning Officer on the return of Members elected (if it is the annual meeting following the District Council Elections);

(ii) Receive apologies for absence;

(iii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;

(iv) Receive any announcements from the retiring Chairman of the Council;

(v) Elect the Chairman of the Council for the ensuing year;

(vi) Elect the Vice-Chairman of the Council for the ensuing year;

(vii) Receive any announcements from the Chairman and/or the Chief Executive;

(viii) Receive notification of memberships of political groups and the names of the Group Leaders and their Deputies (if it is the annual meeting immediately following the District Council Elections);

(ix) Elect the Leader of the Council (if it is the annual meeting immediately following the District Council Elections);

(x) Selection of Councillors on Committees etc in accordance with Council Procedure Rule 1.2;

(xi) Reaffirm the Council's Constitution;

(xii) Approve a programme of ordinary meetings of the Council and Committees for the year;

(xiii) Appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Two of the Members appointed will always be the Leader and Deputy Leader of the Council. Up to two further names can be put forward to Council by the Leader of the Council, following consultation with Group Leaders; and

(xiv) Consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the Council will:

(i) Appoint the Committees and Sub-Committees it considers appropriate for the municipal year;

(ii) Decide the size and the terms of reference and delegated powers for any new Committees and Sub-Committees;

(iii) Decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and

(iv) Appoint Members to each Committee and Sub-Committee and the Chairman and Vice-Chairman of each Committee and Sub-Committee as appropriate.

2. <u>BUDGET AND COUNCIL TAX SETTING</u>

At the relevant ordinary meeting of the Council, when the Council's Budget and Council Tax is approved and set, no business except that identified below will be included on the Agenda of the Budget and Council Tax Setting Meeting and all other Council Procedure Rules shall be construed accordingly. The Budget and Council Tax Setting Meeting shall:

(i) Receive apologies for absence;

(ii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;

(iii) Deal with any business required by Statute to be dealt with before any other business;

(iv) Approve the minutes of the last meeting;

(v) Receive any announcements from the Chairman and/or the Chief Executive and any Statements from the Leader of the Council and/or members of the Cabinet;

(vi) Approve and set the Council's Budget and Council Tax;

(vii) Deal with any business remaining from the last Council meeting; and

(viii) Consider any Urgent Matters for Debate

Matters which are not on the agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or the Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget. The text and form of any and all such amendments must be emailed to the Democratic Services Manager by no later than 5.00 p.m. on the day of the Budget Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting.

In addition, the text of the Leader of the Council's budget presentation speech must also be emailed to the Democratic Services Manager by no later than 5.00 p.m. on the day of the Budget Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting. The Democratic Services Manager will also email the speech to all Members of the Council as soon as possible after they receive it from the Leader of the Council.

3. ORDINARY MEETING

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Such programmes shall ensure that the first ordinary meeting is held within 15 working days of the annual meeting of the Council except in a year when there is an ordinary election of Councillors. The order of business at every ordinary meeting of the Council be as follows:

(i) To receive apologies for absence:

(ii) To elect a person to preside if the Chairman and Vice Chairman are not present;

(iii) To deal with any business required by Statute to be dealt with before any other business;

(iv) To approve the minutes of the last meeting (or in the case of the first ordinary meeting of the municipal year, to approve the minutes of the Annual meeting and the preceding meeting);

(v) To receive any announcements from the Chairman and the Chief Executive and any statements from the Leader and Members of the Cabinet;

(vi) To deal with any Petitions;

(vii) In accordance with Rule 10, to receive questions from, and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;

(viii) To receive a report from the Leader on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and Overview and Scrutiny Procedure Rule 18(i);

(ix) To deal with any business from the last Council meeting;

(x) To receive the minutes of Committees (with the exception of the Licensing and Registration and Planning Committees) and to receive questions and answers from Councillors on any of those items;

(xi) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(xii) To consider motions (in the order in which notice has been received);

(xiii) To consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, other reports from the Cabinet, reports of the Overview and Scrutiny Committees, or other Committees for debate and reports from Officers for consideration;

(xiv) To receive questions from Members in accordance with Rule 11.2; and

(xv) Urgent matters for Debate

Matters which are not on the Agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

With the exception of items (i) (ii) (iii) and (iv), the order of items may be varied at the discretion of the Chairman or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be put without discussion. At the last ordinary

meeting of the Council in the municipal year, following item (v) the meeting will receive the annual State of Tendring Statement from the Leader.

4. EXTRAORDINARY MEETINGS

4.1 Calling Extraordinary Meetings

An extraordinary meeting of the Council may be called in the following circumstances:-

1. An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.

2. If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council.

3. The Council by resolution; and

4. The Monitoring Officer in circumstances where a Section 5 report is to be presented.

4.2 Holding Extraordinary Meetings in the corresponding circumstances set out above

1. The Chairman of the Council, in consultation with the Chief Executive, will decide the date of the meeting.

2. Where such a request is received the meeting will be held within 14 days of the receipt of the call for an extraordinary meeting from those five members of the Council.

3. The Council as part of its resolution will fix the date of the extraordinary meeting or will delegate that matter to the Chairman of the Council.

4. Where such a request is received the meeting will be held within 14 days of the receipt of the call for an extraordinary meeting from the Monitoring Officer.

4.3 Order of Business

(i) To receive apologies for absence;

(ii) To elect a person to preside if the Chairman and Vice-Chairman are not present;

(iii) To deal with any business required by Statute to be dealt with before any other business;

(iv) To consider any other business specified in the summons to the meeting.

5. <u>TIME AND PLACE OF MEETINGS</u>

The time and place of Council meetings will be notified in the summons.

Meetings will normally be held at 7.30 p.m. in the Princes Theatre, Town Hall, Clacton-on-Sea and the Council may, from time to time, vary the place, date or hour of a meeting or meetings. Where it is not practicable for the Council to meet to agree a variation, such variation shall be determined by the Chairman (or failing him the Vice-Chairman) of the Council.

In accordance with the approved Protocol for such matters, the Council will make audio and/or audio-visual live stream and recording of meetings of the Full Council, which will be made available on the Council's website for a period of at least one year from the date of the relevant meeting.

6. NOTICE OF AND SUMMONS TO MEETING

The Democratic Services Manager will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. In addition to sending an electronic notification, at least five clear days before a meeting, the Democratic Services Manager will send a summons by post to every member of the Council or leave it at their usual place of residence. Although this is the default position, all members of the Council are encouraged to opt out of receiving paper copies and elect to solely receive the summons via electronic notification at least five clear working days before the meeting. The summons 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.

7. CHAIRING OF MEETINGS

The person presiding may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members, subject always to a minimum of three Members.

If, at the scheduled commencement time of the meeting, there is not a quorum present, the Chairman will be permitted to delay the start of proceedings for up to a maximum period of 15 minutes. This will be in order to allow time for Members, who may have been delayed for some reason, to arrive. If, at the end of that 15 minute period, the Chairman counts the number of Members present and again declares there is not a quorum present the Chairman will declare the meeting to be null and void and cancelled for administrative purposes. The business will stand to be considered at a new time and date to be fixed by the Chairman. If

the Chairman does not fix such a date, the business will be considered at the next ordinary meeting.

During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. The Chairman will decide at that point the duration of that adjournment. If it is not possible to resume the meeting on that date any remaining business will be considered at a time and date to be fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 The business of ordinary meetings of the Council shall cease at 10.30 p.m. (or after a duration of three hours, whichever is the earliest) on the day on which the meeting commenced, or such earlier, or later, time as the Chairman shall consider appropriate. In the event that the Chairman wishes to extend the meeting beyond 10.30 p.m. (or beyond three hours) they will be expected to give an indication of the length of that extension and secure the consent of the Council in doing so.

9.2 When the business of a meeting is terminated in accordance with 9.1 above any remaining business shall stand adjourned until a date and time to be fixed by the Chairman.

9.3 Where 9.2 applies, given that the agenda and associated reports and papers for the original meeting have been published, the adjourned meeting can be called as soon as practicable and without necessary delay, having regard to the remaining business and venue availability. In the case of Committees and Sub-Committees, where Substitutes have been appointed the same Members should attend (the Substituted Members must not take their seats).

9.4 Notice of the adjourned meeting will be published on the Council's website, unless the adjourned meeting is held within 24 hours.

10. QUESTIONS BY THE PUBLIC

10.1 Scope of Questions and Time Allocated in the Meeting

Members of the public may ask questions of the relevant Members of the Cabinet or the Leader or Committee Chairmen on any matter in relation to which the Council has powers or duties or which affects the Tendring District. The time limit for the asking of each question is two minutes and for the reply, five minutes. The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

10.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by personal e-mail to the Democratic Services Manager no later than midday 8 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

10.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

10.5 Reasons for Rejection of Questions

The Democratic Services Manager and/or Monitoring Officer may reject a question if in their judgement it:

(a) is not about a matter for which the local authority has a responsibility or which affects the District;

(b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;

(d) is substantially the same as a question which has been put at a meeting of the Council in the past six months;

(e) requires the disclosure of confidential or exempt information; or

(f) the question is about a matter that is subject to call in or ongoing legal proceedings.

10.6 Record of Questions

The Democratic Services Manager will keep a copy of each question for six years after the meeting at which the question was put and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

10.7 Asking the Question at the Meeting

All questions will be set out in the agenda and the Chairman will invite the questioner to put the question to the Member named in the notice. There will be no further questions or debate. If the questioner is not present, the Chairman may ask the question on the questioner's behalf,

indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Written Answers

Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member, to whom it was to be put, will be dealt with by a written answer, with a copy circulated to all Members.

10.9 Reference of Question to the Cabinet or a Committee

No discussion will take place on any question, but any Member may formally, without discussion, move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

10.10 Withdrawal of Question

A member of the public may withdraw their question by giving notice of their wish to do so to the Democratic Services Manager prior to the commencement of the meeting at which their question is to be put.

11. <u>QUESTIONS BY MEMBERS</u>

11.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports or References from the Cabinet or Minutes of Committees

A Member of the Council may ask the Leader or a Member of the Cabinet any question without notice about any statement made by the Leader or a Member of the Cabinet to the Council when that item is being received.

A Member of the Council may ask the Leader or a Member of the Cabinet or the Chairman of a Committee any question without notice upon a report or recommendation of the Cabinet or the minutes or reference from a Committee when that item is being received by the Council.

Supplementary Questions will not be permitted under this rule.

11.2 Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask:-

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee;

a question on any matter, which is within their area of responsibilities as set out in Part 3 of the Constitution, in relation to which the Council has powers or duties or which affects the Tendring District.

Only the text of the Questions will be included within the full Council Agenda and in the order in which the questions from Members were received. None of the accompanying preamble or explanatory statements (if any) submitted by the Questioner(s) will be so included.

The time allocated for receiving and disposing of questions shall be a maximum 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner. The Question(s), together with the relevant written response(s), will also be published to the Council's website and will also be reported to the next meeting of the Council, as an "information only item", by the Democratic Manager. The provisions of this paragraph will also apply in those instances when the full Council meeting has had to be cancelled.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

11.3 Notice of Questions

A Member may only ask a question under Rule 11.2 if either:

(a) notice has been given by delivering it in writing (or by personal e-mail) to the Democratic Services Manager no later than midday 8 (eight) working days before the day of the meeting; or

(b) the question relates to urgent matters, he has the consent of the person to whom the question is to be put and the content of the question is given to the Democratic Services Manager by noon on the day of the meeting.

11.4 Number of Questions

At any one meeting no Councillor may submit more than two questions.

11.5 Reasons for rejection of Questions

(a) the question is not about a matter for which the local authority has responsibility or which affects the District;

(b) The Monitoring Officer will reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);

(c) the Monitoring Officer will reject a question if in their judgment it is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;

(d) The Monitoring Officer will reject a question if in their judgement it is substantially the same as a question which has been put at a meeting of the Council in the past six months;

(e) The Monitoring Officer will reject a question if in their judgement it is likely to lead to a breach of the Members' Code of Conduct; or

(f) the question is about a matter that is subject to call in or ongoing legal proceedings.

11.6 Response

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where a reply cannot conveniently be given orally, a written answer given later to all Members.

The Member giving the response must provide an electronic or written copy of that response to the Democratic Services Manager by Noon on the day of the meeting in order to enable the

response to be circulated to the Questioner, the Chairman of the Council, the Leader of the Council and relevant Officers.

11.7 Recording of Questions and Responses and Questions of Clarification

After the response has been given to a Question on Notice, the Member who asked the question may ask one question, of which no notice is required. That question must solely relate to clarifying the response received. No statements or other form of question will be allowed. The ruling of the Chairman on the admissibility of the question is final.

The minutes of the meeting will record the text of the question plus any preamble or supporting statement (if any) together with the response given thereto and that, if appropriate, a question of clarification and a response was asked and given, without detailing the content.

11.8 Time Limits for Asking/Answering Questions

The time limit for asking each question (including any preamble or statements in support) is two minutes and the time limit for each reply is three minutes.

11.9 Withdrawal of Question

A Member may withdraw their question by giving notice of their wish to do so to the Democratic Services Manager prior to the commencement of the meeting at which their question is to be put.

Once the meeting has commenced a Member may withdraw their question with the consent of the Chairman.

12. MOTIONS ON NOTICE

12.1 Scope of the Motion

Any Motion to Council submitted in accordance with this Rule must be about a matter(s) for which the Council has a responsibility, or which affects the District of Tendring, or is about a matter(s) of regional, national or international importance which could be reasonably considered to affect residents of the District and upon which a Member wishes the Council to undertake an action or to make its views and opinions publicly known.

12.2 Notice of the Motion

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council.

A maximum of two motions shall be accepted for inclusion in an agenda for an Ordinary Meeting of the Council under this Procedure Rule. Motions cannot be submitted to the annual meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

Except for a motion which can be moved without notice under Rule 13 (Motions without Notice), written and signed notice (or notice by personal email) of the motion by the Member or members submitting it, must be delivered to the Democratic Services Manager by no later than the initial deadline of midday ten working days before the date of the ordinary meeting of the Council. This initial deadline is to allow a period of time for Officers to consider the wording of the motion and to offer appropriate guidance, if necessary, and as detailed below. If submitted by email the motion should be sent to democraticservices@tendringdc.gov.uk .

The Monitoring Officer and/or the Democratic Services Manager (or in their absence the Assistant Director Corporate Policy and Support) are authorised and encouraged under this Rule to offer guidance and assistance to the Member(s) as to the wording of their Motion (in order to make it clear and obvious [as also referenced in Rule 12.7 below] what the Council's powers are should the Motion relate to an Executive function and/or to generally make the motion acceptable as a valid motion). The Member(s) submitting the Motion will be informed of the Officers' guidance as soon as possible and they will have until the final deadline of midday eight working days before the day of the ordinary meeting of the Council to notify the Officers whether they accept the Officers' advice.

The Monitoring Officer and/or the Democratic Services Manager (or in their absence the Assistant Director Corporate Policy and Support) will then formally decide whether to accept the motion as a valid motion having had regard to the provisions of Rule 14 (Motions not Permitted).

12.3 Motion set out in Agenda

Valid motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member(s) in giving that notice states, in writing, that they wish it to be included on the Agenda of a future ordinary meeting of the Council.

12.4 Withdrawal of the Motion

Prior to the publication of the Agenda for the ordinary meeting of the Council in question (which will be at least five clear, working days before the meeting) the Member or Members may withdraw their Motion by notifying the Democratic Services Manager of their wish to do so. This notification must be submitted to the Democratic Services Manager by a written and signed notice (or notice by e-mail to democraticservices@tendringdc.gov.uk).

Once the Agenda for the ordinary meeting of the Council in question has been published the Motion can only be withdrawn at the Council meeting itself in accordance with the provisions of Council Procedure Rule 16.7 (Withdrawal of Motion).

12.5 Professional Advice of the Council's Statutory Officers on the Motion

Once the Motion has been accepted as being valid by the Monitoring Officer and/or the Democratic Services Manager a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion will be prepared by the Council's Statutory Officers, with the Monitoring Officer acting as the lead officer in the compilation of that Advisory Note.

In that regard:-

(i) the Head of Paid Service (i.e. the Chief Executive) will give any necessary professional advice on implications for the Council in respect of his responsibilities in relation to staffing matters;
(ii) the Monitoring Officer will give any necessary professional advice on implications for the Council in respect of budgetary, constitutional or legislative requirements; and
(iii) the Section 151 Officer will give any necessary professional advice on implications for the Council relating to budgetary, constitutional or legislative requirements.

That Advisory Note will be circulated, if possible, to all Members of the Council as part of the Council Agenda Document Pack. If this is not possible, then the Advisory Note will be circulated to Members as soon as possible thereafter but in any case no later than Noon on the working day before the date of the Council meeting.

The Advisory Note will also be published on the Council's website (unless of course the Exempt Information provisions apply).

At the meeting itself, Council must have regard to the contents of the Advisory Note in making its decision on the Motion, as set out in Section 3.7 of the Members' Code of Conduct.

12.6 Consideration of the Motion at an Ordinary Meeting of the Council

At the meeting itself the Chairman will invite the Member who submitted the motion to formally move it and then to proceed to read out the text of the Motion (for the benefit of the public who are either watching proceedings from the public gallery or via the livestream). The Member who moved the motion will not be required to explain its purpose at this stage of the proceedings.

The Chairman will then ask for a seconder for the motion. If there is no seconder then the motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next business on the agenda.

In the event that the Motion is not moved at this time by the Member who gave notice thereof, due to their absence, it will be treated as withdrawn and cannot be moved without a fresh notice given under this Rule, unless the Chairman is aware of mitigating circumstances for that Member's absence and Council, having been made aware of such circumstances, decides, with the consent of the simple majority of Members present (which will have been demonstrated, without any debate, by a show of hands) to defer the Motion to the next ordinary meeting of the Council. If the Member who gave notice of the Motion considers it a matter of urgency they can nominate another Member to move the Motion at the Council Meeting by notifying the Democratic Services Manager of that arrangement by no later than Noon on the day of the meeting. That nominated Member will, from that point, take "ownership" of the Motion as far as these Council Procedure Rules are concerned.

At this point in the proceedings, and in the circumstances in which one or more of the Council's Statutory Officers has stated in their Advisory Note that the Motion should not be dealt with at the meeting, the Chairman can declare that, on the advice of the statutory officers, the Motion is either deferred until the next ordinary meeting of the Council or is referred to the relevant body or bodies, as appropriate. The Motion will thereupon stand so deferred/referred without discussion or debate. Council Procedure Rules 12.8, 12.9 and 12.10 will apply, as appropriate in the circumstances.

Otherwise, if the motion is seconded then it will be proceed to be debated in accordance with the maximum 60 minute time limit normally allocated for a Motion submitted under this Rule. This 60 minute period will commence at the point the Chairman calls on the Mover of the Motion to speak to the motion and explain its purpose and this 60 minute period will also cover any amendments to the Motion that are accepted and debated upon by Members.

In debating the Motion the provisions, as applicable, of Council Procedure Rules 16, 19, 23, 24, 25, 28 and 29 will apply, together with the principles of decision making as set out in Article 13.02 of the Council's Constitution.

12.7 Powers available in respect of the Council making a decision on the Motion at an Ordinary Meeting of the Council

1. If the Motion relates to a matter under the purview of the Executive, as detailed within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, then the Council <u>legally can only</u> make a recommendation to the Executive, or give its advice/opinion to the Executive, in relation to the Motion.

2. If the Motion relates to a non-executive function that is delegated to a Committee then the Council can either make a definite conclusive and binding decision, or make a recommendation to the Committee or give its advice/opinion to the Committee, in relation to the Motion.

3. The Council, through its debate, can also through the amendment provisions set out in Rule 16.5 (Amendments to Motions) delay making a decision on the Motion until a

future ordinary meeting of the Council if it so wishes, as long as it makes clear its reason for doing so. Reasons for such a delay could potentially but not exclusively include:-

(a) a requirement for further information on the implications of the potential decision to be researched and submitted;
(b) the lateness of the hour;
(c) the need to hold a site visit;
(d) a requirement for the attendance of an Officer and/or representative of an external organisation et cetera;
(e) to enable a consultation exercise to be carried out either internally within the Council or externally;
(f) to enable Political Group Leaders to informally discuss the matter;
(g) to enable a public meeting or inquiry to be held; and
(h) to enable the calling of a referendum (subject to the necessary financial provision being approved).

12.8 Referred Motions – Consideration of the Motion by the Cabinet or a Committee

If the Motion is, in accordance with the provisions of Rule 12.7(3) above, formally referred to the Cabinet or a Committee for consultation, the Head of Democratic Services & Elections will ensure that the Motion is included on the agenda of the earliest practical meeting of the Cabinet/Committee. That body shall be required solely to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion as to whether such motion should be supported or not supported. That body will not be required to propose an alternative motion or an amended motion.

Prior to making its response the Cabinet/Committee may, following consultation with the relevant Officers, require further information to be presented to it for consideration on the implications of the proposed motion. Such a report must be considered by that body in a timely manner.

Once the Cabinet/Committee has considered the Motion it will be sent back to Council with that body's response.

12.9 Deferred Motions – Rights of Member submitting/Mover of the Motion

If the Motion has, in accordance with the provisions of Rule 12.6 above, been formally deferred until the next ordinary meeting of the Council (i.e. due to the "mitigating circumstances" provision or by the Chairman acting on the advice of the statutory officers) the Member who submitted the Motion will be made aware of this, as soon as possible, by the Democratic Services Manager and also of the date of the next ordinary Council meeting.

The right of the Member submitting/mover of the Motion to speak to the motion and explain its purpose will be automatically reserved until that meeting.

12.10 Referred Motions – Rights of Mover of the Motion

If the Motion has, in accordance with the provisions of Rule 12.6 above, been formally referred to a relevant body or bodies (i.e. due to the Chairman acting on the advice of the statutory officers) the Mover of the Motion (or another Member nominated by them) will be, as a matter of courtesy, made aware by the Democratic Services Manager of the date(s) of the meeting(s) of such body or bodies at which their Motion will be considered. The Mover of the Motion (or other Member nominated by them) will have the right to attend such meeting(s) to speak to the motion and explain its purpose. That Member will also be permitted to answer questions and/or provide clarification, if requested to do so by the Chairman of the meeting. The Member will also have a right of reply (of no more than three minutes duration) to respond to the debate at the meeting on their motion.

If the Motion has, in accordance with the provisions of Rule 12.7(3) above (i.e. following a debate at Council) been formally referred to the Cabinet or a Committee for consultation, the Mover of the Motion (or another Member nominated by them) will be, as a matter of courtesy, made aware by the Democratic Services Manager of the date of the Cabinet/Committee meeting at which their Motion will be considered so that they can attend if they so wish.

As the purpose of the motion will have already been explained at the full Council meeting the Mover of the Motion (or another Member nominated by them) will not have any automatic right to speak at that meeting though they will be permitted to answer questions and/or provide clarification, if requested to do so by the Chairman of the meeting. The Member will also have a right of reply (of no more than three minutes duration) to respond to the debate at the meeting on their motion.

12.11 Notification of the decision of the Council to the relevant Body

Once the Council has made its final decision on the Motion and if it is relevant and necessary to do so, the Assistant Director Corporate Policy and Support will, at the earliest practical meeting of the Cabinet/Committee, as appropriate, formally report that decision of the Council in order that that body can note the Council's decision and consider what action, if any, that it now needs to take.

12.12 Consideration of a Motion at an Extraordinary Meeting of the Council

At an Extraordinary Meeting of the Council any Motion listed on the Agenda will be dealt with at that meeting in accordance with the provisions, as applicable, of this Rule 12 and Rules 16, 19, 23, 24, 25, 28 and 29 together with the principles of decision making as set out in Article 13.02 of the Council's Constitution.

13. MOTIONS WITHOUT NOTICE

The following motions 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 in the agenda;

(d) To refer something to, or back to, Cabinet or relevant Committee;

(e) To receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;

(f) To withdraw a motion;

(g) To amend a motion;

(h) To proceed to the next business;

(i) That the question be now put;

(j) To adjourn a debate;

(k) To adjourn a meeting;

(l) To exclude the public and press in accordance with the Access to Information Procedure Rules;

(m) That a Member named under Rule 23.3 Disorderly Conduct not to be heard further or to exclude them from the meeting under Rule 23.4;

(n) To give the consent of the Council where its consent is required by this Constitution;

(o) To extend the time limit for a speech; and

(p) In the case of urgency, notice of motion may be given, in writing, signed by the Member, or Members, giving the notice and the reason for its urgency and delivered by noon on the morning of the day of the meeting at the office of the Chief Executive who will immediately advise the Chairman of its receipt. If in the opinion of the Chairman, the matter is not urgent, the Chairman may direct that it be disallowed.

14. MOTIONS NOT PERMITTED

No motion shall be submitted on a matter that relates to an item which;

(a) is not about a matter for which the local authority has a responsibility or which affects the District or is about a matter of regional, national or international importance that could not be reasonably considered to affect the residents of the District;

(b) is to be considered on the same Council agenda;

(c) is substantially the same as a motion already received to be put to the ordinary meeting of the Council in question;

(d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;

(e) has been the subject of a Key Decision in the previous six months;

(f) is included within the work programme of an Overview and Scrutiny Committee;

(g) is, at the time of submission, subject to call-in or on-going legal proceedings or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);

(h) the Monitoring Officer will reject a motion if in their judgment it is likely to lead to a breach of the Members' Code of Conduct.

15. QUESTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a Committee or Sub-Committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee or Sub-Committee has decided whether or not the power of exclusion of the public shall be exercised.

16. RULES OF DEBATE

16.1 No Speeches until Motion Seconded

No speeches may be made after a motion has been proposed and explained until it has been seconded. However, a motion that the recommendations from Cabinet or references from the relevant Committee shall be adopted need not be seconded.

A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of debate, subject to Rule 16.10 – Closure Motions.

16.2 Right to Require Motion or Amendment in Writing

Unless notice of the motion or amendment has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

16.3 Content and Length of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. No speech (including those to move motions) shall exceed three minutes except with the consent of the Council. This does not apply to the statement by the Leader on the State of the District and the Leader's presentation of the budget.

16.4 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 or second a further amendment if the motion has been amended since he last spoke;

(c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);

(d) in exercise of a right of reply;

(e) on a point of procedure; and/or

(f) by way of personal explanation.

16.5 Amendments to Motions

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

(i) to refer the matter to the Cabinet or relevant Committee for consultation, further information on the implications of the potential decision to be researched and submitted, 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), (iii) or (iv) is not to negate the motion or introduce a new subject matter into the motion before the Council. In addition, any amendment proposed to be made that may have budgetary implications must have been submitted to the Council's Section 151 Officer at least two working days before the Full Council meeting to enable them to consider the implications for the Council's Finances.

Furthermore, no amendment will be accepted that could bind or fetter the Executive or a Committee in relation to matters that are within the responsibility of the Executive or a Committee of the Council.

(b) Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.

(c) Any Member wishing to move an amendment or alternative recommendation to those made by the Independent Remuneration Panel in respect of the Members' Scheme of Allowances must have submitted their proposals to the Council's Section 151 Officer and the Monitoring Officer at least two working days before the relevant Full Council meeting to enable them to consider the legal and financial implications. Any such

amendment or alternative recommendation must be accompanied by the reasons for departing from the IRP's recommendations. Once deemed to be valid by the Monitoring Officer it will be immediately circulated by email to all Members of the Council. Copies of such amendment or alternative recommendation(s) will also be placed on Members' tables prior to the commencement of the Council meeting.

(d) Only one amendment may be moved and discussed at any one time. Subject to Rule 16.10 no further amendment may be moved until the amendment under discussion has been disposed of. However the Chairman may permit a Member to give formal notice of the terms of any further amendment which he proposes to move at a later stage in the proceedings.

(e) A member may withdraw their proposed amendment with the consent of the seconder.

(f) If an amendment is not carried, other amendments to the original motion may be moved.

(g) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

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

16.6 Alteration of Motion

(a) A Member may alter a motion of which he has given notice with the consent of the seconder.

(b) A Member may alter a motion that he has moved without notice with the consent of the seconder.

(c) Only alterations that could be made as an amendment may be made. This includes any amendment made at the meeting by another Member.

16.7 Withdrawal of Motion

A Member may withdraw a motion that he has moved with the consent of the seconder unless it is the subject of an amendment. No Member may speak on the motion after the mover has withdrawn it.

16.8 Right of Reply

(a) The seconder of a motion (including the seconder of a motion on which an amendment has been moved), the mover of a motion (including the mover of a motion on which an amendment has been moved) and the seconder and the mover of an amendment have a right of reply at the end of the debate on the motion or amendment. Following this, the appropriate Portfolio Holder or the Chairman of the relevant Committee shall have the right to speak on the motion or amendment immediately before it is put to the vote. Where the mover of the motion or amendment was the Leader of the Council, he shall have the final right to speak.

(b) A Member exercising a right of reply shall confine his remarks to answering the arguments employed or observations made during the debate and shall not introduce any new matter.

(c) The right of reply of the seconder of a motion or amendment (as referenced in (a) above) will only apply if the seconder has not already spoken during the debate on the motion or amendment in question.

16.9 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motion:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to extend the time for speeches;

(h) to give any consent required by these procedure rules;

(i) to suspend one or more of the procedure rules;

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

(k) that a Member named under Rule 23.3 below (Disorderly Conduct), not to be heard further or to exclude them from the meeting under Rule 23.4.

16.10 Closure Motion

(a) A Member may move, without comment, the following motions at the conclusion of a speech of another Member;

(i) That the Council proceed to the next business;
(ii) That the question now be put;
(iii) That the debate now be adjourned; or
(iv) That the Council does now adjourn; or
(v) That the matter be referred to the Cabinet or a Committee(s) in accordance with the responsibility of functions and the defined terms of reference.

(b) On the seconding of which the Chairman shall, unless in their opinion the matter before the meeting has been insufficiently discussed, proceed as follows:

(i) On a motion to proceed to the next business or to refer the matter to the Cabinet or a Committee(s): they shall first give the seconder and the mover of the original motion their right of reply, under Rule 16.8 above, and then put to the vote the motion to proceed to the next business or to refer the matter;

(ii) On a motion that the question now be put: they shall put to the vote the motion that the question now be put, and if it is passed then the Chairman will give the seconder and the mover of the original motion their right of reply under Rule 16.8 above before putting their motion to the vote;

(iii) On a motion to adjourn the debate or the meeting: they shall put the adjournment motion to the vote without giving the seconder and the mover of the original motion their right of reply on that occasion.

16.11 Point of Procedure

A Member may raise a point of procedure at any time. The Chairman will hear him immediately. A point of procedure may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

16.12 Personal Explanation

A Member has the right to make a personal explanation when directly related to some material part of an earlier speech by the Member if it appears to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

17. STATE OF TENDRING STATEMENT

At the last ordinary meeting before the Annual Council meeting each year, the Leader will make a Statement on the State of the Tendring District. The Chairman may permit debate following the statement.

In addition, the text of the Leader of the Council's Statement on the State of the Tendring District must be emailed to the Democratic Services Manager by no later than 5.00 p.m. on the day of the relevant Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting. The Democratic Services Manager will also email the statement to all Members of the Council as soon as possible after they receive it from the Leader of the Council.

18. PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members.

18.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

This procedure rule does not apply to motions moved to adopt a recommendation to the Council from the Cabinet or a Committee.

19. VOTING

19.1 Voting

A Member cannot vote on a matter if they have not been present for the whole of the consideration of that matter.

19.2 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members present in the room, eligible to vote and voting at the time the question was put to the vote.

19.3 Chairman's Casting Vote

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

a casting vote. In the case of an equality of votes for the election of the Chairman of the Council, the retiring Chairman or the person presiding at the meeting must exercise a casting vote.

19.4 Show of Hands

Unless a recorded vote is demanded under Rule 19.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.5 Recorded Vote

If 9 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A recorded vote is mandatory on any decision relating to the budget or Council Tax. This includes not only the substantive budget motions agreeing the budget and setting Council taxes, but also on any amendments proposed at the meeting.

19.6 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, his vote will be so recorded in the minutes to show whether he voted for, or against, the motion, or abstained from voting.

19.7 Voting on Appointments

Where there is more than one person nominated and seconded for any position to be filled by the Council then unless the Council decides otherwise at the time, the person receiving most votes shall be appointed. Where there is only one person nominated and seconded, Members will cast their votes either for or against that person. The person nominated will be appointed if the votes for are more than the votes against.

20. MINUTES

20.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable ordinary meeting. The Chairman will move that the minutes of any previous meeting be signed as a correct record. The only issue in relation to the minutes that can be discussed is their accuracy.

20.2 Form of Minutes

Minutes of any Council, Committee or Sub-Committee meeting shall comprise a brief summary of the proceedings of, and business transacted at, the meeting. Minutes will not record details of the debate or the views or comments of individual Members. The exceptions to this are committees and sub-committees when considering applications, hearings and appeals or receiving evidence. The Minutes of such meetings will give summarised details of the issues covered in the debate.

No Minutes of any meeting will be produced as a verbatim recording of those proceedings.

Minutes will contain all motions and amendments in the exact form and order the Chairman accepted them as being proper motions/amendments and put them to the vote.

Minutes will also record those instances when a Member has submitted their apologies for absence. If so requested by the Member concerned the Minutes will also record the reason for their absence.

21. RECORD OF ATTENDANCE

All Members present during the whole, or part, of any meeting must sign their names on the attendance sheets before the end of that meeting to assist with the record of attendance.

22. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23. MEMBERS' CONDUCT

23.1 Standing to Speak

When a Member speaks at full Council he must stand (if possible) and address the meeting through the Chairman. If more than one Member stand, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of procedure or a point of personal explanation.

23.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at that time must stop and sit down. The meeting must be silent.

23.3 Member Not to be Heard Further

If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman or any other Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to Leave the Meeting

If the Member continues to behave improperly after a motion in Rule 23.3 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

24. DISTURBANCE BY PUBLIC

24.1 Removal of a Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he continues to interrupt, the Chairman will order his removal from the meeting room.

24.2 Clearance of Part of Meeting Room

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

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Procedure Rules except Rules 19.6 and 20.1 may be suspended by motion on notice, or without notice, if at least 36 Members of the Council are present and 25 Members vote in favour of suspension. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion by a Member to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, will stand adjourned without discussion to the next ordinary meeting of the Council.

26. RESIGNATION OF CHAIRMANSHIP ETC

The Chairman or Vice-Chairman of the Council may at any time, by notice in writing delivered to the Chief Executive, resign their position and such resignation shall take immediate effect on delivery of the notice.

27. CASUAL VACANCIES ETC

On a casual vacancy occurring in the office of Chairman or Vice-Chairman of the Council an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election.

28. STATUTORY OFFICERS' ADVICE

The Chief Executive, Monitoring Officer and Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to the Chairman and, if requested, to all Councillors present.

29. INTERPRETATION OF PROCEDURE RULES

At any meeting the ruling of the Chairman as to the construction or application of any of the Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged.

Any advice provided by the Statutory Officers in assisting the Chair for the application of the Rules can be shared with all Councillors.

30. PETITIONS

Petitions will be dealt with in accordance with the scheme approved by Council, contained within Part 5 of the Constitution.

The rules of debate will be in accordance with the Council Procedure Rules.

The length of speeches by presenters of petitions shall not exceed three minutes.

31. MINOR AMENDMENTS OF GUIDANCE

Any minor amendment of these rules as a consequence of any written advice or guidance to Officers and Members is delegated to the Monitoring Officer.

32. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of the Council.

None of these rules apply to meetings of the Cabinet.

Rules 6-9, 11.3-11.5, 11.7 – 11.9, 15, 16 (excluding 16.4), 19 (excluding 19.5 and 19.7), 20 – 24 (excluding 23.1), 26, 28, 29 and 31 including those in Part 2 below apply with any necessary modification to meetings of Committees and Sub-Committees. Rule 40 applies only to the Planning Policy & Local Plan Committee and the Planning Committee.

COUNCIL PROCEDURE RULES

SECTION 2 – COMMITTEE MEETINGS

33. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES/VACANCIES IN CHAIRMANSHIP

33.1 General

Subject to the rules of political proportionality, as provided in the Local Government and Housing Act 1985 (Section 15) and the Local Government (Committees and Political Groups) Regulations 1990, and Rule 33.2 below, Full Council (usually at its Annual Meeting) will appoint Committees and Sub-Committees in accordance with the Local Government Act 1972 (Section 102).

33.2 Eligibility

Subject to the provisions of Rule 33.3 below the eligibility requirements with regard to membership of Committees and Sub-Committees are as follows:-

Overview and Scrutiny Committees

All Councillors except Cabinet members may be members of the Overview and Scrutiny Committees.

Audit Committee, Human Resources and Council Tax Committee, Licensing and Registration Committee, Planning Policy & Local Plan Committee, Planning Committee and Miscellaneous Licensing Sub-Committee

All Councillors may be members of these Committees.

The members of the Miscellaneous Licensing Sub-Committee must also be members of the parent Licensing and Registration Committee.

CIPFA Guidance recommends that the membership of the Audit Committee should not cross-over with either the Executive or Scrutiny functions. However, Officers' advice is that if Members feel that cross membership is necessary then this should be limited to one member from each of the Executive or Scrutiny functions. The Chairman of the Audit Committee should not be a member of the Cabinet.

Standards Committee

All Councillors may be members of this Committee except that no more than one member of the Committee shall be a member of the Cabinet (and that member cannot be the Leader of the Council). In addition, no Leaders of Political Groups can be members of that Committee.

Premises/Personal Licences Sub-Committee

The membership of this Sub-Committee is appointed on an ad hoc basis from the membership of the Licensing and Registration Committee.

33.3 Training Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees

In addition to specific training required as and when necessary, training shall be provided to all Members appointed to the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees on an annual basis at an appropriate date and time after each annual meeting of the Council and such training shall be mandatory.

A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications.

A Member cannot sit as a member of the Licensing and Registration Committee or its Sub-Committees unless they have received the specific training with regard to the broad range of licensing matters, (or the specific training to the subject matter of the Sub-Committee) as set out within (but not necessarily limited to) the Licensing Act 2003, the Gambling Act 2005 and the Local Government (Miscellaneous Provisions) Act 1982.

A Member cannot sit as a member of the Audit Committee unless they have received specific training with regard to the determination of the Council's Statement of Accounts and comprehension of Auditor reports.

A Member cannot sit as a member of the Standards Committee unless they have received specific training with regard to the Hearings Procedure and participation in Hearings.

A Member of the Human Resources and Council Tax Committee cannot sit as a member of a Personnel Appeals Sub-Committee of that Committee unless they have received specific training with regard to determining Employment appeals (for specific senior officer posts)

A Member cannot sit as a member of an Overview and Scrutiny Committee unless they have received specific training with regard to work programming and questioning skills.

No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events.

The Monitoring Officer is authorised to approve alternative arrangements for training to enable Members to attend and take part in the business of the agenda for a particular meeting. Members training records are held by the Monitoring Officer.

33.4 Resignation of Chairmanship Etc.

Any Chairman, Vice-Chairman or Member of a Committee, Sub-Committee or Working Party may at any time, by notice in writing or personal email delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.

33.5 Casual Vacancies

In the case of a casual vacancy in the office of a Chairmanship or Vice-Chairmanship of a Committee, Sub-Committee or Working Party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.

34. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

34.1 General

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules 33.3 and 33.4. In the case of the Overview and Scrutiny Committees, such Substitute Members may not be Members of the Cabinet. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

34.2 Eligibility and Effect

A Substitute shall belong to the same political group (as defined in the Local Government and Housing Act 1989) as the Member for whom he is a Substitute. Substitution by, or of, Members not in a political group is not permitted.

Only the Member being substituted or their Group Leader (or Deputy) can appoint substitute members. Notification of a substitute from the Member being substituted or their Group Leader (or Deputy) must be given to Committee Services prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is received, the Group Leader (or Deputy's) request will take precedence.

In those circumstances where the Member who wishes to be substituted has recently left one political group and joined another or if they have moved to a non-aligned position and in the absence of a review of the allocation of seats to political groups, the seat remains within the control of the Member's previous Group then it shall be for the Leader of that Group to appoint a substitute.

The substitution will be in effect for the whole of the meeting (including any part thereof that is adjourned to, and subsequently considered at, a later date). The Substituted Member must not take their seat.

34.3 Training Substitute Members of the Audit, Human Resources and Council Tax, Licensing & Registration, Overview & Scrutiny, Planning and Standards Committees

In addition to specific training required as and when necessary, training shall be provided to all named Substitute Members appointed to the Audit, Human Resources & Council Tax, Licensing and Registration, Overview & Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees on an annual basis at an appropriate date and time after each annual meeting of the Council.

The Monitoring Officer is authorised to approve alternative arrangements for training to enable Members to attend and take part in the business of the agenda for a particular meeting.

34.4 Substitute Members of the Audit, Human Resources & Council Tax, Licensing & Registration, Overview & Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees

Group Leaders shall, provide named Substitute Members (in accordance with proportionality rules) and all substitutions will only be permitted from this list. Any member of a political group shall be eligible to act as a named Substitute Member providing that they have received training in relation to all relevant Audit, Human Resources & Council Tax, Licensing & Registration, Standards-related, Overview & Scrutiny or Planning matters under a continuing programme arranged by the Council. When naming a designated substitute, Group Leaders shall, as far as reasonably practicable, satisfy themselves that the named Member is as conversant with all relevant Audit, Human Resources & Council Tax, Licensing and Registration, Standards-related, Overview & Scrutiny and Planning matters as the appointed members of those Committees.

34.5 Substitute Members of the Premises/Personal Licences Sub-Committee

Substitutes for Members of the Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute need not be a Member of the same political group and the provisions of Rule 34.2 shall not apply.

The Democratic Services Manager will, at the request of the Group Leader of a member of the Premises/Personal Licences Sub-Committee or at the request of the Member concerned, appoint a Substitute from amongst the appointed Membership of the Licensing & Registration Committee who should have received training in relation to licensing under a continuing programme arranged by the Council. Such request need not be in writing.

In addition, in arranging the Sub-Committee meeting where additional members of the Licensing & Registration Committee had indicated their availability those Members will be requested by Democratic Services to keep the meeting date free in their diaries and they will be sent a copy of the agenda and reports and accompanying documents etc. Therefore, in the event of the Sub-Committee being inquorate the meeting will be adjourned whilst Officers attempt to contact one (or more) of the aforementioned members of the Licensing & Registration Committee and to request them to attend the Sub-Committee's meeting.

In the event of the above not being possible in the prevailing circumstances then the Sub-Committee meeting will be adjourned until another date. The Democratic Officer present at the meeting will have suggested alternative dates available to try and facilitate a quick re-arrangement of the meeting.

35. MEETINGS OF COMMITTEES

35.1 Ordinary Meetings

The Committees of the Council will normally hold meetings (known as Ordinary Meetings for the purposes of these Procedure Rules) on dates and at times as the Council decides at its Annual Meeting.

The business of ordinary meetings of a Committee etcetera shall cease after a duration of three hours on the day on which the meeting commenced, or such earlier, or later, time as the Chairman shall consider appropriate. In the event that the Chairman wishes to extend the meeting beyond three hours they will be expected to give an indication of the length of that extension and secure the consent of the Committee etc. in doing so.

For the avoidance of any doubt the above requirement does not extend to a meeting of any committee or sub-committee which is conducting a Hearing into licensing or standards/conduct or other regulatory matters. On such occasions the Chairman will be expected to call regular adjournments of the Hearing in order for participants to have comfort and/or refreshment breaks.

35.2 Special Meetings

1. The Chairman of a Committee can call a Special Meeting of a Committee at any time.
2. A Special Meeting shall also be called on the requisition of a not less than a quarter of the whole number of Members of the Committee, delivered in writing, or by email to the Chief Executive but in no case shall less than three Members requisition a Special Meeting.

No business except that set out in the Summons and Agenda shall be carried out at a Special Meeting of a Committee.

35.3 Recording and Streaming of Committee Meetings

In accordance with the approved Protocol for such matters, the Council will make an audio and/or visual live stream and recordings of its Committees, which will be made available on the Council's website for a period of at least one year from the date of the relevant meeting.

36. ATTENDANCE AT MEETINGS

Except as otherwise provided in this Constitution and in particular having regard to the provisions of the Access to Information Procedure Rules:-

36.1 Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. This does not include attendance at Portfolio Holder Working Parties. A Member of the Council shall not take part in any discussion at a meeting of a Committee or Sub-Committee of which he is not a Member, unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the Committee under the provisions of Rule 12.6, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate Chairman prior to the relevant meeting if he wishes to speak at that meeting. Exceptions to this include that the Portfolio Holder with the responsibility for Planning and the Chairman of the Planning Committee each have a standing invitation to attend meetings of the Planning Policy & Local Plan Committee. The Portfolio Holder with the responsibility for Planning will be permitted to express the views of the Executive on strategic planning issues and the Chairman of the Planning Committee will be permitted to express the Planning Committee's views and comments on the Report items that are being considered by the Planning Policy & Local Plan Committee.

Additionally, where a Member has submitted a Motion to Council under Rule 12.2 and that Motion has been referred to a Committee under Rule 12.6 or Rule 12.7 that Member will have the right to attend the relevant meeting of that Committee and present their Motion, as appropriately permitted under Rule 12.10.

Where the public speaking scheme (Rule 40) applies to a particular application or matter before the Planning Committee, no Member shall be entitled to address or speak to the Planning Committee under this Rule. This does not detract from any rights the Member has under the public speaking scheme.

At such times as the Standards Committee (in respect of Hearings on standards/conduct related matters) or the Premises/Personal Licences Sub-Committee (in respect of Hearings on licensing related matters) exclude the press and public and retire to deliberate and reach their decision "in camera", only the duly appointed members of the decision making body will be allowed to remain in the meeting. All other Councillors will be treated as members of the public and will be excluded from the meeting at that time.

36.2 The Chief Executive, Chief Financial Officer and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such instances, the Committee or Sub-Committee in question will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.

37. SUB-COMMITTEES AND WORKING PARTIES

The Council will decide the establishment, terms of reference, delegated powers, number of Members and the allocation of seats to political groups for all new Sub-Committees.

The Council, (normally at its Annual Meeting) will also appoint individual Members to standing Sub-Committees and will appoint the Chairman and Vice-Chairman of those Sub-Committees.

Every non-overview and scrutiny Committee of the Council may appoint working parties for specified purposes in accordance with Part 3 of this Constitution. The Committee may amend the constitution of the working parties or dissolve them at any time.

The Chairman and Vice-Chairman of any working parties appointed by a Committee will be determined at the first meeting of the working party. Meetings of working parties will normally be convened, either at an earlier meeting of the working party or by the Democratic Services Manager in consultation with their Chairman.

38. QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

Subject to Rules 11.4 and 11.5 and upon providing two working days' notice, a Member of a Committee may, at a meeting thereof, ask the Chairman of it a question on any matter in relation to which the Council has powers or duties of which affect the Tendring District and which falls within the terms of reference of that Committee.

39. SITE VISITS, SPECIFIC BRIEFING OR TRAINING

39.1 Where a site visit, specific briefing or training is called by Officers in relation to a planning or licensing application received by the Council, any Member or Substitute Member of that Committee who does not attend the site visit, specific training or briefing, shall not be eligible to take part at the meeting at which the application to which the site visit, specific training or briefing related is to be considered.

39.2 Notification of site visits arranged by any Committee or Sub-Committee shall be given to the Members for the ward in which the site is situated. Such Members shall have the right to attend the site visit but shall not take part in any discussion unless specifically invited to do so by the Chairman of the body that has arranged the site visit. The body arranging the site visit shall not exercise any delegated powers nor take any decisions in the course of the visit.

40. SCHEMES TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE PLANNING POLICY & LOCAL PLAN AND PLANNING COMMITTEES

The Planning Policy & Local Plan Committee and the Planning Committee will each have a scheme providing a limited right for speaking by members of the public in relation to applications or other matters of business. The schemes shall be in such a form as the Full Council determines having considered a recommendation from the relevant Committee.