PART 4 - RULES OF PROCEDURE

COUNCIL AND COMMITTEE PROCEDURE RULES

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PART 4 - RULES OF PROCEDURE

BACKGROUND

The authority for making Standing Orders is found in paragraph 42 of Schedule 12 of the Local Government Act 1972, which states that:

"Subject to the provisions of the Act, a local authority may make standing orders for the regulations of their proceedings and business and may vary or revoke any such order".

The Local Government and Housing Act 1989 provides for Regulations to be made requiring Councils to adopt standing orders on particular issues.

The Local Government Act 2000 and sub-ordinate legislation provide for rules of procedure for Council and Committee meetings to be part of the Council's Constitution.

RULE 1. MEETINGS AND BUSINESS OF THE COUNCIL

Meetings

(1) Ordinary meetings of the Council will take place in accordance with a programme as determined by the Council.

(2) In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors (fourth day after day of election). In any other year, the annual meeting will take place in March, April or May as determined by the Council.

Order of Business

(3) Except as otherwise provided by paragraph**s** (4) and (5) of this Rule, the order of business at every meeting of the Council shall be:

(a) Choose a person to preside if the Chairperson and Vice-Chairperson are absent;

(b) Deal with any business required by statute to be done before any other business;

(c) To approve as a correct record and sign the Minutes of the last meeting of the Council;

(d) To receive declarations of interests and then deal with any business expressly required by statute to be done;

(e) Chairperson's announcements, and then receive public questions (not at the Statutory Annual meeting);

(f) To dispose of business (if any) remaining from the last meeting;

(g) To receive and consider any reports, minutes and recommendations of all Committees;

(h) To receive and, as appropriate, debate any Statements as specified in the Summons – to include the Leader's Speech setting out the Council's Programme for the current municipal year (to the first meeting following the Annual Meeting) and the Budget Speech setting out the Council's Budget for the ensuing year (to the February meeting);

(i) To receive and consider petitions requiring debate under the Council's Petitions Scheme;

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

(k) To answer questions asked under Rule 6;

(l) Other business, if any, specified on the summons;

(m) Questions (which may be made without notice) to the Leader of the Council (or in his / her absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes and not beyond 10.00pm unless such period is extended with the mutual agreement of the Chairperson of the Council and the Leader (or Deputy Leader).

(n) Business by reason of special circumstances considered by the Chairperson to be urgent.

Variation of order of business

(4) Business falling under items (a), (b) or (c) of paragraph (3) shall not be displaced, but subject to that, the order of business may be varied:

(a) by the Chairperson at their discretion;

(b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

Regulation of business and duration of meetings

(5) No business shall be transacted at a meeting of the Council or of any Committee or Sub-Committee other than that specified in the agenda except business brought before the meeting on the grounds of urgency, the reasons for which having first been agreed by the Chairperson.

(6) (i) The business of meetings of the Council (and its Committees and Sub-Committees) shall cease 2.5 / 3 hours after the meeting has commenced, or such sooner or later time as the Chairperson shall consider appropriate.

(ii) When a meeting is terminated, any remaining business shall stand adjourned until a date and time to be fixed by the Chairperson.

(iii) Where (ii) above 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).

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

Annual Meeting

(7) (a) The Leaders of all groups to submit to the Director of Legal and Governance a list of Members of their group as required by the Act of 1989 (or to confirm in a non-election year that the list is unchanged) not less than 7 days prior to the Annual Meeting.

(b) The Chief Executive to call the Leader-designate of the Council and the Opposition Leader(s) to a meeting not less than 48 hours before the Annual Meeting to discuss the allocation of Committee places.

(c) The ruling of the Chief Executive on the interpretation of the relevant statutory provisions relating to the total number of seats on the Council's Committees to which each group is entitled to be recognised as being final.

(d) Not later than Noon on the day before the Annual Meeting the Leader-designate of the Council and Opposition Leader(s) to submit to the Director of Legal and Governance a list of their groups' nominations to the Committee places allocated to their groups.

(8) At the Annual Meeting the Council will also:

(a) Elect a person to preside if the Chairperson is not present

(b) Elect the Chairperson of the Council (and elected Chairperson to make Statutory Declaration of Acceptance of Office)

(c) Elect the Vice-Chairperson of the Council (and elected Vice-Chairperson to make Statutory Declaration of Acceptance of Office)

(d) Receive any announcements from the Chairperson

(e) Ratify the Leader-designate

(f) Appoint the Deputy Leader

(g) Appoint Committees

(h) Decide the allocation of seats to political groups in accordance with political balance rules

(i) Appoint Councillors to serve on Committees (see Rule 17)

(j) Adjourn for special meetings of Committees to elect their Chairperson and Vice-Chairperson to be appointed

(k) Appoint Councillors to serve on outside bodies

(9) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Rule 17 and may at any time appoint such other Committees as are necessary to carry out the work of the Council. It may, subject to any statutory provision in that behalf, may at any time dissolve a Committee (for the avoidance of doubt this excludes the Overview and Scrutiny Committee and the Joint Standards Committee) or alter the membership of its Committees. All Committees so appointed shall remain in existence until replaced at the next Annual Meeting.

(10) In connection with the special meetings of Committees referred to in 8(j) above, the Chairperson of the Council shall preside for the purpose of electing a Chairperson. In the event of an equality of votes between nominees a casting vote may be exercised. Should the Committee otherwise fail to elect a Chairperson, the Council shall appoint a Chairperson for that Committee.

(11) In the event of more than two nominations being submitted for the election of the Chairperson of the Council and the Chairperson of any Committee or Sub-Committee, on the first ballot those receiving the lowest number of votes shall be eliminated and a further ballot shall be taken for the remaining two candidates.

Leaders' Speech

(12) The Leader's Speech (first meeting following the Statutory Annual meeting) setting out the Council's Report and Programme for the current municipal year and the responses thereto of the Opposition Leader(s) shall exceptionally be time-limited to 15 minutes but the final right of reply to each shall be time-limited in accordance with Rule 8.

Budget Speech

(13) (a) The Budget Speech (February meeting) setting out the Council's Budget for the ensuing municipal year and the responses thereto of the Opposition Leader(s) shall exceptionally be time-limited to 15 minutes but the final right of reply to each shall be time-limited in accordance with Rule 8.

(b) No alternative proposal or amendment to that being recommended to the Council as part of the Budget and Council Tax Setting item of business shall be considered unless notice in writing (and marked confidential) has been given to the Council's Chief Finance Officer no later than 5pm three working days before the date of the Council meeting. (For the avoidance of doubt the confidentiality of the alternative proposal or amendment is only restricted to the nature of the proposal or amendment and not its existence.)

Extraordinary Meetings

(14) The Chief Executive may call an extraordinary meeting of the Council. In addition, those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

(a) the Council by resolution;

(b) the Chairperson of the Council;

(c) the Monitoring Officer;

(d) the Head of Paid Service;

(e) the Section 151 Officer; and

(f) any five Members of the Council if they have signed a requisition presented to the Chairperson and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

Policy Matters

(15) An issue before the Council shall be deemed to be a policy matter if it involves:

- an alteration, addition to, or removal from, the Council's Strategic and Corporate Objectives;
- the adoption by the Council of a new function or sphere of activity;
- the cessation by the Council of an existing function or sphere of activity;
- a decision to carry out an existing in-house activity by contract or the reinstatement in-house of an activity previously contracted out;
- any major or significant change in the Council's activities which the Monitoring Officer in consultation with the Leader of the Council and Opposition Leader(s) rules to be a policy matter.

(16) The item will be the subject of a specific agenda item at the Council and will not be considered as part of the reception of reports of any Committee;

(17) The normal rules of debate will apply and the Chairperson of the Committee, if any, with specific responsibility for the subject matter under consideration to have a right of reply to the debate

(18) Notwithstanding (16) above, before the conclusion of the debate the penultimate speaker will be the Opposition Leader(s) and the final right of reply will be afforded to the Leader of the Council.

RULE 2. CHAIRPERSON OF MEETING

Any power or duty of the Chairperson in relation to the conduct of any meeting of the Council and its Committees may be exercised by the person presiding at the meeting.

PART 4 - RULES OF PROCEDURE

RULE 3. QUORUM FOR MEETINGS

(1) Unless otherwise provided, the quorum of a meeting will be one quarter of the whole number of Members (for the avoidance of doubt this will be rounded up to the next whole number). The quorum of a Committee shall not be less than three Members.

(2) If during any meeting the Chairperson, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairperson at the time the meeting is adjourned, or, if he / she does not fix a time, to the next ordinary meeting of the Council.

RULE 4. NOTICES OF MOTION

(1) Notice of every motion, other than a motion which under Rule 5 may be moved without notice, shall be given in writing and signed or sent by email from a Maldon District Council Member email address by the Member intending to move the motion and by a seconder and shall reach the Director of Legal and Governance before 10.30 a.m. on the Wednesday in the week preceding the week in which the Council meeting is held.

It shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member of the Council.

Motions to be set out in summons

(2) The Director of Legal and Governance shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Member and seconder giving such a notice intimated in writing when giving it, that they proposed to move it at some later meeting, or have since withdrawn it in writing. Provided that at each Council meeting a motion from only one member of each Political Group (non-aligned Councillors are regarded as a Group for this purpose) may be put forward.

Automatic reference to Committee

(3) If the subject matter of any motion of which notice has been duly given comes within the province of any Committee it shall stand referred without discussion to such Committee, or to such other Committee as the Council may determine, for resolution or recommendation depending on the Terms of Reference of that Committee.

Provided that the Chairperson may, in consultation with the Leader, and, if they consider it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(4) When a motion has been referred to any Committee under (3), the Member of the Council who has moved, or given notice of intention to move the motion and their seconder shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and the opportunity of explaining the motion.

Scope of motions

(5) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affect the District.

RULE 5. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:

(1) Appointment of a Chairperson of the meeting at which the motion is made.

(2) Motions relating to the accuracy of the Minutes.

(3) That an item of business specified in the summons has precedence.

(4) Remission to a Committee.

(5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.

(6) Adoption of reports and recommendations of Committees or Officers and any consequent resolutions.

(7) That leave be given to withdraw a motion.

(8) Extending the time limit for speeches.

(9) Amendments to motions.

(10) That the Council proceeds to the next business.

(11) That the question be now put.

(12) That the debate be now adjourned.

(13) That the Council adjourns.

(14) Authorising the sealing of documents.

(15) Suspending Rules of Procedure, in accordance with Rule 22.

(16) Motion under section 100A(4) of the Local Government Act, 1972 to exclude the public.

(17) That a Member named under Rule 10 (Disorderly Conduct) be not further heard or do leave the meeting.

(18) Giving consent of the Council where the consent of the Council is required by these Rules.

PART 4 - RULES OF PROCEDURE

RULE 6. QUESTIONS

(1) A Member of the Council may ask the Chairperson of a Committee a question on a recommendation of a Committee when that item is under consideration by the Council.

(2) Subject to paragraph (3), a Member of the Council may ask the Chairperson of a Committee a question on any matter the subject of a resolution of a Committee.

(3) A Member of the Council may:

(a) if notice in writing has been given to the Director of Legal and Governance, which has been received not later than Noon on the Monday preceding the day on which the meeting is to be held, ask the Chairperson or the Chairperson of any Committee, any question on any matter in relation to which the Council has powers or duties or which affect the District.

(b) with the permission of the Chairperson, put to them or the Chairperson of any Committee, any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Director of Legal and Governance not later than ten o'clock in the morning of the day of the meeting.

(4) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

(5) An answer may take the form of:

(a) a direct oral answer; or

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

(c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

(6) Every question under the provisions of paragraphs (3)(a) and (3)(b) of this Rule shall be recorded in the Council Minutes together with any replies given thereto.

(7) Questions may be also be put, without notice, to the Leader of the Council under Rule 1(3)(m), provided that no question shall seek to raise, or have the effect of raising any matter dealt with or disposed of through the transaction of business earlier in the particular meeting.

RULE 7. MINUTES OF MEETINGS

(1) At the next suitable meeting, the Chairperson shall put the question that the Minutes of the meeting of the Council or of a Committee or Sub-Committee held on the .....day of..... be approved as a correct record.

(2) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the presiding Chairperson shall sign the Minutes.

(3) Where in relation to any meeting of the authority, the next such meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

RULE 8. RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

(1) A motion or amendment shall not be discussed apart from the opening speech of the proposer unless it has been proposed and seconded, and unless notice has already been given in accordance with Rule 4 it shall, if required by the Chairperson, be put into writing and handed to the Chairperson, before it is further discussed or put to the meeting.

(2) An Officer's recommendation in a Planning Committee meeting is recognised as the substantive motion and no proposer or seconder is required.

Seconder's speech

(3) A Member, when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

Only one Member to stand at a time

(4) A Member when speaking shall stand and address the Chairperson. If two or more Members rise, the Chairperson shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.

Content and length of speeches

(5) A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes in the case of a mover of a motion and three minutes in all other cases except by consent of the Chairperson.

When a Member may speak again

(6) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;

(b) if the motion has been amended since he / she last spoke, to move a further amendment;

(c) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;

(d) in exercise of a right of reply given by paragraph (11) or (13) of this Rule;

(e) on a point of order;

(f) by way of personal explanation.

Amendment to motion

(7) An amendment shall be relevant to the motion and shall be either:

(a) to refer a subject of debate to a Committee for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and insert or add others;

(d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(8) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

(9) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be 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.

Alteration to motion

(10) A Member may, with the consent of the Council, signified without discussion:

(a) alter a motion of which they have given notice, or

(b) with the further consent of their seconder alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of motion

(11) A motion or amendment may be withdrawn by the mover with the consent of his / her seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Right of reply

(12) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment.

Motions which may be moved during debate

(13) When a motion is under debate no other motion shall be moved except the following:

(a) to amend the motion;

(b) to adjourn the meeting;

(c) to adjourn the debate;

(d) to proceed to the next business;

(e) that the question be now put;

(f) that a Member be not further heard;

(g) by the Chairperson under Rule 10(2) that a Member leaves the meeting;

(h) a motion under section 100A(4) of the Local Government Act, 1972 to exclude the public.

Closure motions

(14) A Member may move without comment at the conclusion of a speech of another Member, "that the Council proceeds to the next business", "that the question be now put", "that the debate be now adjourned", or "that the Council adjourns", on the seconding of which the Chairperson shall proceed as follows:

(a) on a motion to proceed to next business: unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

(b) on a motion that the question be now put: unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply under paragraph (11) of this Rule before putting their motion to the vote;

(c) on a motion to adjourn the debate or the meeting: if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

Points of Order

(15) A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith.

(a) A point of order shall relate only to an alleged breach of a Rule of Procedure or statutory provision, and the Member shall specify the Rule of Procedure or statutory provision and the way in which they consider it has been broken.

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

(16) The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chairperson

(17) Whenever the Chairperson rises during a debate a Member then standing shall resume their seat and the Council shall be silent.

Application to Committees and Sub-Committees

(17) This Rule (except those parts which relate to standing and to speaking more than once) shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

RULE 9. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a Committee thereof to which section 100A of the Local Government Act, 1972 applies 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 or Committee, as the case may be, has decided whether or not the power of exclusion of the public under section 100A (4) of the Local Government Act, 1972 shall be exercised.

RULE 10. DISORDERLY CONDUCT

(1) If at a meeting any Member of the Council misconducts themselves by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairperson or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Continuing misconduct by a named Member

(2) If the Member named continues their misconduct after a motion under the foregoing paragraph has been carried the Chairperson shall:

EITHER move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

General disturbance

(3) In the event of general disturbance which in the opinion of the Chairperson renders the due and orderly despatch of business impossible, the Chairperson, in addition to any other power vested in them may, without the question being put, adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

RULE 11. DISTURBANCE BY THE PUBLIC

If a member of the public interrupts the proceedings at any meeting the Chairperson shall warn them. If they continue the interruption the Chairperson shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Chairperson shall order that part to be cleared.

RULE 12. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Rule 4 bears the names of at least ten Members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

This Rule shall not apply to motions moved in pursuance of a recommendation of a Committee.

RULE 13. VOTING

(NB: See also Rule 15 on Interests)

Meetings

(1) Any item of business will be decided by a simple majority of those Members voting and present at the time the question was put. If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced, they shall not vote on the matter.

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

(3) The mode of voting at meetings of the Council, Committees and Sub-Committees shall be by a show of hands or electronic means, or if there is no dissent, by affirmation of the meeting: Provided that on the requisition of any Member of the Council made before the vote is taken and supported by one other Member who signifies their support the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave their vote. The name of any Member present and not voting shall also be recorded.

(4) Where any Member requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

(5) Immediately after any vote is taken at a budget decision meeting there must be recorded in the minutes of that meeting the name of the persons who cast a vote for or against the decision or who abstained from voting.

NOTE: For this purpose, 'budget decision' means a meeting at which it makes a calculation in accordance with sections 31A, 31B, 34-36A, 42A, 42B, 45-49, 52ZF, 52ZJ of the Local Government Finance Act 1992 or issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept was included as an item of business for the agenda for that meeting. The requirement to record voting extends to a vote on any decision related to the making of the calculation or the issuing of the precept (The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014).

(6) In the event of the Officers' recommendation to approve an application being formally defeated by the Planning Committee, the formation of alternative planning grounds for refusal shall require a separate recorded electronic vote for each specific policy reason put forward, ensuring maximum legal transparency.

Appointments

(7) Where there are more than two Members nominated for any position to be filled by the Council or a Committee and of the votes given there is not a majority in favour of one Member, the name of the Member having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one Member.

PART 4 - RULES OF PROCEDURE

RULE 14. DISCLOSURE OF INTERESTS

(NB: See also the Council's Code of Member Conduct)

If a Member has a Disclosable Pecuniary, Other Registrable or Non-Registrable Interest as defined by the Council's Code of Member Conduct then that interest must be disclosed and where that interest is a Disclosable Pecuniary or Other Registrable one as defined in the Code the Member shall not only disclose it but then withdraw from the meeting while the business to be transacted is under consideration (unless formal dispensation has been granted).

RULE 15. APPOINTMENT AND CONSTITUTION OF COMMITTEES

(1) The Council shall at each Annual Meeting appoint from among its membership the Committees referred to in this Rule to advise the Council on the discharge of its functions, and to exercise on its behalf such functions as may be delegated to such Committees by the Council. The Council shall adopt and may from time to time review Terms of Reference for Committees.

(2) The Committees shall be the Strategy and Resources Committee, the Performance, Governance and Audit Committee, the Planning Committee, the Overview and Scrutiny Committee, the Licensing Committee, and the Joint Standards Committee.

(3) The Strategy and Resources Committee shall comprise 11 Members, the Performance, Governance and Audit Committee shall comprise 10 Members, and the Licensing Committee shall comprise 10 Members. All Committees shall be formed in accordance with the political balance provisions (see also Procedure Rule 1(7)).

The Chairperson of the Council is eligible to be appointed to any of the Committees referred to in (2) above in his / her own right (see however paragraph (7) below).

(4) The Planning Committee shall comprise 13 Members of the Council (politically balanced) and determine planning applications referred to it pursuant to the Regulations and the Constitution as detailed in its Terms of Reference.

(5) The Joint Standards Committee shall comprise:

(a) eight Members of the Council (political balance provisions apply);

(b) two persons appointed by the Council upon nomination by the Essex Association of Local Councils and who are Members of Parish / Town Councils in the Maldon District (non-voting);

(c) the Independent Person (or Reserve) (non-voting).

(6) The Overview and Scrutiny Committee of the Council shall comprise 10 Members of the Council and shall be formed in accordance with the political balance provisions. The Chairperson of the Council, the Leader and Deputy Leader of the Council and the Chairperson and Vice-Chairperson of the Strategy & Resources and the Performance, Governance & Audit Committees shall not serve on the Overview and Scrutiny Committee.

(7) The Council shall at its Annual Meeting also appoint Members to serve on the Appointments Board and the Investigating and Disciplinary Committee and Panel as set out below. Political balance provisions shall apply.

- Investigating and Disciplinary Committee – Five Members;
- Investigating and Disciplinary Panel – Minimum of five Members to ensure that at least three have not served on the initial investigation carried out by the Investigating and Disciplinary Committee
- Appointments Board – Two Members to serve in addition to the Leader or Deputy Leader, Opposition Leader or Deputy, and Chairperson or Vice-Chairperson of the Strategy & Resources and Performance, Governance and Audit Committees.

Substitutions

(8) A Member of a Committee shall, if the Member wishes another Member of the political group to which the Member belongs to attend a meeting of that Committee in their place, give the relevant Committee Chairperson, Vice-Chairperson, and copied to Director of Legal and Governance, written notice not later than fifteen minutes before the published start time of that meeting that the Member is unable to attend and that the substitute Member named in the notice will attend in their place.

(9) A substitution notice may be given by the Leader of a political group.

(10) The effect of a substitution notice shall be that the Member named in the notice shall cease to be a Member of that Committee for the duration of that meeting and that the substitute Member shall be a full Member of the Committee for the same period.

(11) A substitution notice may be revoked at any time preceding the deadline for giving of such notice.

(12) These arrangements shall not apply to the Licensing Committee unless the proposed substitute Member has been trained on public licensing matters, and do not apply to the Licensing Sub-Committee.

Termination of appointments and allocated seats falling vacant

(14) Where a seat allocated to a political group falls vacant the following procedure shall apply:

(i) If the seat has fallen vacant as a result of the death, resignation or disqualification of a Member, the Act and Regulations made there under provide for a review of allocations of seats to groups at the next meeting of the Council following the election of a replacement Member, unless the person elected indicates that the Member does not wish such a review to take place. If in these circumstances a review is to take place, the process set out in Procedure Rule 1(7) shall apply in respect of the next ordinary meeting of the Council following the by-election at which the person is elected.

(ii) In all other circumstances the group to which the seat is allocated shall give notice of its nomination of a Member to a vacant seat in writing to the Director of Legal and Governance who shall report as soon as possible to the Council for the Council to approve the filling of the vacant seat.

PART 4 - RULES OF PROCEDURE

RULE 16. SPECIAL MEETINGS OF COMMITTEES

The Chairperson of a Committee or the Chairperson of the Council may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Director of Legal and Governance, but in no case shall less than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

RULE 17. APPOINTMENT OF SUB-COMMITTEES

(1) Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

(2) The Chairperson of a Sub-Committee or the Chairperson of the parent Committee may call a meeting of the Sub-Committee at any time.

RULE 18. ATTENDANCE BY MEMBER AT COMMITTEE

A Member of the Council may attend Committee meetings of which they are not a member and may also speak by prior arrangement with, and at the discretion of, the Chairperson. This procedure rule shall not apply to meetings of the Appointments Board, Investigating and Disciplinary Committee and Panel (all matters) and the Joint Standards Committee (when considering matters deemed to be private / confidential and where the public is to be excluded from the meeting).

RULE 19. FINANCIAL ADMINISTRATION

Every Committee, Sub-Committee and Officer of the Council shall conform with the financial arrangements made by the Council under the provisions of section 151 of the Local Government Act, 1972.

RULE 20. SUSPENSION AND AMENDMENT OF PROCEDURE RULES

(1) All of these Procedure Rules except Nos. 7(3), 13(4), 13(5) and 21(2) may be suspended by motion on notice or without notice if at least sixteen (16) Members of the Council are present and by the consent of the simple majority of those Members. Suspension can only be for the duration of the meeting.

(2) Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. Any subsequent decision on such a motion shall be on the basis of a simple majority of those Members present and voting.

PART 4 - RULES OF PROCEDURE

RULE 21. PROCEDURE RULES TO BE GIVEN TO MEMBERS

A printed copy of these Procedure Rules shall be given to each Member of the Council by the Director of Legal and Governance upon delivery to them of the Member's Declaration of Acceptance of Office on the Member being first elected to the Council.

RULE 22. INTERPRETATION OF PROCEDURE RULES

The ruling of the Chairperson as to the construction or application of any of these Rules, or as to any proceedings of the Council, or of its Committees or Sub-Committees, shall not be challenged at any meeting of the Council, or of its Committees or Sub-Committees and their decision shall be final.