

**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, Local Plan Committee, Planning Committee and Miscellaneous Licensing Sub-Committee

All Councillors may be members of these Committees though the Local Plan Committee will contain different Members from the Planning Committee in order to minimise the risk and perception of, or accusations of, 'pre-determination' in the consideration of planning applications against policies in the Local Plan.

In addition, 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

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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 the 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, Licensing & Registration, Planning and Standards Committees**

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

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 unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.

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

### **33.4 Resignation of Chairmanship**

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.

### **33.34 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES/VACANCIES IN CHAIRMANSHIP**

#### **33.134.1 General**

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules ~~33.3~~ 34.3 and ~~33.4~~ 34.4. In the case of the

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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.

### ~~33.2~~**34.2 Eligibility**

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.

### ~~33.3~~**34.3 Training ~~Substitute~~ Members of the Audit, Licensing & Registration, Planning and Standards Committees**

~~In addition to specific training required as and when necessary, all Members (and named Substitute Members) appointed to the Audit, Licensing & Registration, Planning and Standards Committees shall undertake annual training on an appropriate date and time after each annual meeting of the Council and such training shall be mandatory.~~

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

### ~~33.4~~**34.4 Substitute Members of the Audit, Licensing & Registration, Planning and Standards 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, Licensing & Registration, Standards-related 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, Licensing and Registration, Standards-related and Planning matters as the appointed members of those Committees.

### ~~33.5~~**34.5 Substitute Members of ~~the~~ Premises/Personal Licences Sub-Committees**

Substitutes for Members of a ~~the~~ Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute

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need not be a Member of the same political group and the provisions of Rule ~~33.2~~ 34.2 shall not apply.

The Committee Services Manager will, at the request of the Group Leader of a member of a ~~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.

The Committee Services Manager will ensure that a fourth or standby Member, drawn from amongst the appointed membership of the Licensing & Registration Committee, is present at every meeting of a ~~the~~ Premises/Personal Licence Sub-Committee. Such Member shall act as a member of the Sub-Committee in the event that one of the three Sub-Committee members becomes unable to act due to e.g. illness, conflict of interest.

### **~~33.6~~ Resignation of Chairmanship**

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

### **~~33.7~~ 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.~~

## **34.35 MEETINGS OF COMMITTEES**

### **34.135.1 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.

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The Chairman (or failing him the Vice-Chairman) of a Committee may, from time to time, vary the place, date or hour of a meeting or meetings of that Committee.

### **34.235.2 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.

### **35.36 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:-

- 35.136.1** Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. 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 ~~44.5~~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. Where a Member has, pursuant to notice duly given under Rule ~~44.5~~ 12.6, moved a motion which has been referred to a Committee, he shall be given an opportunity of explaining that motion.

Where the public speaking scheme (Rule ~~39~~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 Rule ~~35.1~~ this Rule. This does not detract from any rights the Member has under the public speaking scheme.

### **36.37. SUB-COMMITTEES AND WORKING PARTIES**

The Council (~~usually at its Annual Meeting~~) 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.

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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 Committee Services Manager in consultation with their Chairman.

**37-38. 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 ~~or Sub-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 ~~or Sub-Committee~~.

**38-39. SITE VISITS, SPECIFIC BRIEFING OR TRAINING**

**38-139.1** 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.

**38-239.2** 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.

**39-40 SCHEMES TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE LOCAL PLAN AND PLANNING COMMITTEES**

The 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 Monitoring Officer determines after consulting with the Head of Planning Services and the Chairman of the relevant Committee.