

PART 4b - COMMITTEE PROCEDURE RULES

1. ORDINARY MEETINGS

1.1 Meetings of committees of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Meetings will have an agenda similar to the example listed below:

- (i) elect a person to preside if the Chair or Vice-Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Councillors;
- (iv) receive public statements or petitions in accordance with paragraph 9 of these Procedure Rules;
- (v) receive references from Council, the Executive or other committees or boards;
- (vi) receive reports if any from Officers, the Executive, and / or the Council's committees;
- (vii) deal with any outstanding business from the last meeting;
- (viii) consider any other business specified in the summons to the meeting; or any supplementary items that the Chair considers urgent. (No other business as defined here (sometimes known as "AOB") may be taken).

2. EXTRAORDINARY MEETINGS

2.1 Calling Extraordinary Meetings

2.1.1 Those listed below may request the Chief Executive to call a committee meeting in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Monitoring Officer;

- (iii) the Chair of the committee;
- (iv) the relevant Strategic Director.

2.1.2 Except in respect of (i) and (ii) above, those requesting an extraordinary meeting must do so in writing, and must state the business to be conducted at the extraordinary meeting. The agenda for the extraordinary meeting shall specify the business to be conducted.

2.1.3 The provisions for members of the public to ask questions and present petitions under paragraph 9 of these Procedure Rules shall apply to Extraordinary meetings, except that public speaking and petitions must relate to the business on the agenda.

3. SUBSTITUTE MEMBERS

3.1 The Council will agree at its Annual Meeting a Substitute Member Scheme, as set out below.

3.2 Powers and duties

3.2.1 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting or replacing.

3.2.2 Where neither the Chair nor Vice-Chair are present but are substituted, the meeting will elect a person to preside from those present entitled to vote.

3.2.3 A member of the Executive or a Junior Cabinet Member may not be a substitute Member on a Scrutiny Committee or the Audit and Governance Committee.

3.3 Substitution

3.3.1 Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute or to cover a vacancy on the Committee;

- (ii) where the ordinary Member will be absent for the whole of the meeting;
- (iii) after the Monitoring Officer (or his/her nominee) has been notified in writing, which may be by text, by the Member who is to be substituted, or by the relevant party leader or whip, in advance of the meeting of the intended substitution;
- (iv) where they have received the appropriate training if that is a requirement for ordinary Members of the Committee.

4. TIME AND PLACE OF MEETINGS

- 4.1 The time and place of meetings will be determined by the Proper Officer (Chief Executive) and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

- 5.1 The Proper Officer (Chief Executive) will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear working days before a meeting, the Proper Officer (Chief Executive) will send a summons to every Member of the Committee. 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.
- 5.2 The agenda, reports and minutes of the previous meeting will be published on the Council's website in accordance with the Access to Information Rules, and made available at the Council's main offices via the Democratic Services team (democraticservices@walthamforest.gov.uk)

6. CHAIRS OF MEETINGS

- 6.1 The person presiding at the meeting in the absence of the Chair may exercise any power or duty of the appointed Chair. Where the Chair is absent, the Vice-Chair if present must preside.

7. QUORUM

- 7.1 The quorum of a committee meeting shall be one half of the membership eligible to vote or the nearest whole number above one half, with a minimum of three.
- 7.2 If there is no quorum at the scheduled start of the meeting, 15 minutes may elapse to establish the whereabouts of any absent Members or to arrange the appointment of substitutes. If after 15 minutes, no quorum is present or likely to be present within a reasonable time, the Chief Executive's representative may declare the meeting adjourned to a new date or *sine die*.
- 7.3 During any meeting if the Chair or Democratic Services Officer counts the number of members present and declares there is not a quorum present and unless a quorum is restored within a period considered reasonable by the Chair, then the meeting will adjourn or be brought to an end. Remaining business will be considered at the next available meeting.

8. DURATION OF MEETING

8.1 Interruption of the meeting

- 8.1.1 If the business of the meeting has not been concluded within 3 hours (including any period of adjournment), the Chair must interrupt the meeting and call for a conclusion of the item under discussion. Any vote will then be taken in the usual way without any further discussion. All Procedure Rules bar those relating to Disorderly Conduct and voting will be suspended.

8.2 Motions and recommendations not dealt with

- 8.2.1 If there are other motions or recommendations on the agenda that have not been dealt with within the 3 hour time limit, they are deemed formally moved and seconded (together with any amendments). No speeches or questions will be allowed on these items and the vote will be taken in the usual way.

8.3 Recorded vote (or Poll Vote)

8.3.1 If a recorded vote is called for during this process it will be taken immediately using electronic voting where available.

8.4 **Motions which may be moved**

8.4.1 During the process set out in Rules 8.1-8.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

8.5 **Close of the meeting**

8.5.1 When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

9. **PUBLIC PARTICIPATION AT COMMITTEE MEETINGS**

9.1 **General**

9.1.1 While committee meetings take place in public, they are not public meetings. Therefore an item for Public Participation will be included on the agenda for meetings of Overview and Scrutiny Committees to enable members of the public to make statements and present petitions at Meetings of the Council. Public speaking will normally take place during the Public Statements agenda item; however, the Chair may, at his or her discretion, invite the speaker to make a statement at any other part of the meeting where there is a relevant item on the agenda.

9.1.2 Residents and people who live or study in Waltham Forest may request to speak. The request should be submitted to Democratic Services no later than noon the day before the meeting. The speaker must give their name and address or location, and specify the issue the statement will be about. This may be done in writing, in person or on the telephone.

9.1.3 Additionally, speakers from outside the borough may be invited to address the Committee on matters relevant to the Committee's work, with the agreement of the Chair.

9.1.4 Public Speaking Time will not take up more than 15 minutes in total of a Committee meeting. Each speaker may be limited to a 3 minute statement. The arrangements set out in paragraphs 9.2 to 9.7 below shall apply in respect of public statements.

9.1.5 An item for Public Participation will be not included on the agenda for meetings of other Committees of the Council. However, the Chair may, at his or her discretion, allow a member of the public or other interested party to make a statement at any other part of the meeting where there is a relevant item on the agenda.

9.1.6 Separate rules apply for the Planning Committee and Licensing Sub-Committees.

9.2 **Order of statements**

9.2.1 Statements may be grouped at the discretion of the Chair.

9.3 **Notice of statements**

9.3.1 A statement can only be made if a notice and the subject of the statement is delivered to Democratic Services no later than 12.00 noon on the working day before the Council meeting.

9.4 **Number of statements**

9.4.1 At any one meeting no person may submit more than one statement and no more than one such statement may be made on behalf of a single organisation.

9.5 **Scope of statements**

9.5.1 The Chair may reject a statement or request a speaker to stop speaking if the statement:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) is defamatory, frivolous or offensive;

- (iii) is substantially the same matter which has been put at a meeting in the past six months;
- (iv) requires the disclosure of confidential or exempt information; relates to an individual case or is contrary to data protection regulations.

9.6 Response to statements

9.6.1 The Chair may invite an officer, Cabinet Member or other relevant attendee to respond to statements orally or in writing. A copy of any written response will be circulated to the committee for information

9.7 Record of statements

9.7.1 The fact a statement has been made will be recorded in the minutes of the meeting.

9.8 Petitions and Deputations

9.8.1 Members of the public may present petitions at Committee meetings or may ask to be received as a deputation. Such presentations will be part of Public Speaking Time and subject to the same rules of notice and arrangements as detailed in Rules 9.1 to 9.7.

9.9 Reporting on Proceedings by the Public

9.9.1 These are mandatory standing orders under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and The Openness of Local Government Bodies Regulations 2014.

9.9.2 Decision-making bodies are required to permit any person attending a meeting of such a body to report on the proceedings.

9.9.3 For the purposes of this rule, report on proceedings is defined as:

- (i) filming, photographing or making an audio recording of proceedings at a meeting;
- (ii) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; and

- (iii) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

9.9.4 Any person who attends a meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of that person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting .

9.9.5 The public must be excluded from a meeting during an item of business whenever—

- (i) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
- (ii) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- (iii) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

9.9.6 A resolution under Rule 9.9.5 must:

- (i) Identify the proceedings, or the part of the proceedings to which it applies, and
- (ii) state, by reference to the descriptions in Schedule 12A of the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

- 9.9.7 The public may only be excluded under Rule 9.9.5 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.
- 9.9.8 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making body is not to have the power to exclude members of the public from a meeting while it is open to the public.
- 9.9.9 Where any person is excluded from a meeting under the Rules, a decision making body may also prevent any person from reporting proceedings using methods:
- (i) which can be used without that person's presence at the meeting, and
 - (ii) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.
- 9.9.10 While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.
- 9.10 Participation by the Youth Independent Advisory Group, Waltham Forest Young Advisors and Children in Care Council**
- 9.10.1 The Youth Independent Advisory Group (YIAG), Waltham Forest Young Advisors (YA) and/or Children in Care Council (CICC) may nominate a spokesperson or spokespeople to address a Committee on issues relevant to their work. Statements must be made in accordance with Rules 9.2 to 9.7, but will be in addition to the overall Public Speaking Time limit set out in Rule 9.1, up to a maximum of 15 further minutes.
- 9.11 Matters Affecting Persons Employed by the Council**
- 9.11.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100 (A) (2) 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 matter shall not be the

subject of discussion until the Committee has decided whether or not the power to exclude the public under Section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

10. RULES OF DEBATE

10.1 No speeches until motion seconded

10.1.1 Committee meetings are intended to provide a more informal setting than full Council meetings, where policy and proposals can be explored in more details, questions asked and information exchanged. However, it is expected that meetings and dialogue will take place in an atmosphere of courtesy and respect. Where it becomes necessary for the conduct of business, the Chair may decide to apply the Rules of Debate as set out in the Council Procedure Rules (Part 4a), in part or in whole.

10.1.2 All statements and questions must be addressed through the Chair.

10.2 Content of speeches

10.2.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

10.3 Point of order

10.3.1 A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the Rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

10.4 Personal explanation

10.4.1 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The Chair's ruling on the admissibility of a personal explanation will be final.

11. VOTING

11.1 Majority

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

11.2 The Chair's casting vote

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

11.3 Show of hands

11.3.1 Unless a recorded vote (Poll vote) is demanded under Rule 11.4 or required under Rule 11.6, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

11.4 Recorded vote (Poll vote)

11.4.1 If two Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded electronically where the facilities exist, or taken down in writing, and entered into the minutes. A demand for a recorded vote will override a demand for a vote by show of hands.

11.5 Right to require individual vote to be recorded

11.5.1 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993/222 Schedule 2.

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

11.6 Voting on appointments

- 11.6.1 If there are more than 2 Members or other persons nominated for any position to be filled and there is not a majority of votes in favour of one member / person, then the name of the Member / person with the least number of votes will be removed from the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 11.6.2 Where there are 2 or more appointments to be made to a body and more nominations than there are places to be filled, a vote will be taken on each vacancy individually following the above process.

12. MINUTES

12.1 Signing the minutes

- 12.1.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The minutes may be challenged only as to their accuracy before they are signed. 'Matters arising' may not be considered.

13. RECORD OF ATTENDANCE

- 13.1 A record of all Councillors present during the whole or part of a meeting will be included in the minutes of the meeting.

14. EXCLUSION OF PUBLIC

- 14.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8 of this Constitution or Rule 23 (Disturbance by Public).

15. COUNCILLORS' CONDUCT

- 15.1 A Councillor should not speak until invited by the Chair. When speaking a Councillor must address the meeting through the Chair. Other Councillors must remain seated and orderly while a Councillor is speaking except to indicate if they wish to make a point of order or a point of personal

explanation or, following another councillor's speech, to move a procedural motion.

15.2 Chair standing or using gavel

15.2.1 If the Chair stands or uses the gavel during a debate, any Councillor speaking at the time must stop. The meeting must be silent.

15.3 Councillor not to be heard further

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

15.4 Councillor to leave the meeting

15.4.1 If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

15.5 General disturbance

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

16. DISTURBANCE BY PUBLIC

16.1 Removal of member of the public

16.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

16.2 Clearance of part of meeting room

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

17. SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES

17.1 Suspension

- 17.1.1 All of these Committee Rules of Procedure except Rule 11 relating to recorded voting, and Rule 12 relating to signing the minutes may be suspended by motion supported by a simple majority of those present. Suspension can only be for the duration of the meeting.

17.2 Procedure to suspend (Article 16.1.2 of Part 1 of the Constitution)

- 17.2.1 A motion to suspend any rules will not be moved without notice unless a quorum is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and reproduced below:

(Article 1.2.1) The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of services to the community.

18. APPLICATION TO THE EXECUTIVE

- 18.1 None of the above rules apply to executive meetings (There are separate Procedure rules for Executive meetings, contained in Part 5 of the Council's Constitution).

19. NOTIFICATION OF CANCELLATION OF MEETING

- 19.1 The Proper Officer (Chief Executive) after consultation with the Chair may cancel a committee meeting. Members will be informed of the reasons for cancellation.