

## **Part D5: Meetings and Proceedings of the Cabinet and Committees**

### **3.1 Application of Council Procedure Rules to Cabinet and Committees**

Whereas all of the Council Rules of Procedure apply to meetings of the Council, only Rules 1, 6-14 (subject to Rule 14 being extended to allow a Member to speak more than once on a matter at the discretion of the Chair), and Rules 15-24 (but not Rule 20.1) apply to meetings of the Cabinet and Committees.

### **3.2 Appointment of Committees**

The Council at its Annual Meeting must appoint such Committees as it is required to appoint by or under any statute or by virtue of the Constitution.

The Council can at any other time appoint such other Committee(s) as it considers necessary or disestablish any Committee(s). It can at any time dissolve or alter the membership of a Committee.

### **3.3 Membership of the Cabinet and Committees**

The Cabinet will comprise the Leader of the Council, together with up to nine other Members to be appointed by the Leader (one of whom shall be appointed as Deputy Leader). The Leader will be elected by the Council, for a four-year term; and the Deputy Leader shall be appointed by the Leader for a four-year term.

With the exception of the Cabinet, the Regulations in respect of political proportionality on Committees will apply. Any Councillor who is not a member of a political group (a non-aligned Member) will be entitled to serve on one Committee.

Each political group will make its own decisions regarding the allocation of Committee places to its members (within the overall allocation of seats).

The places allocated across any non-aligned Members shall be filled, if at all possible, by mutual agreement across those non-aligned Members but, if agreement cannot be reached, the Chief Executive will determine the relevant Committee placings.

A Member of the Cabinet is not able also to serve on the Audit and Governance and/or the Overview and Scrutiny Committee. However, a Member of the Cabinet is able to serve on the Planning and Licensing Committee.

Neither the Chair nor Vice-Chair of the Council is able to serve on the Cabinet.

The Chair of the Council is not able to serve on the Audit and Governance and/or the Overview and Scrutiny Committee (but the Vice-Chair of the Council can).

The Chair and Vice-Chair of the Council are able to serve on the Planning Committee and Licensing Committee. However, the Chair of the Council cannot serve on any Committee of which the Vice-Chair of the Council is a Member; and vice versa.

### **3.4 Ordinary meetings of Cabinet and Committees**

Ordinary Meetings of the Cabinet and Committees will be held on the dates contained in the approved programme of meetings, and at times fixed by the Council or by the Cabinet or Committee concerned. The date and time fixed may be altered by the Leader/Chair of the Committee if, for good reason, they consider that the date and/or time fixed is inconvenient for the despatch of business.

### **3.5 Special Meetings of Cabinet and Committees**

The Leader of the Council or the Chair of the Committee may call a Special Meeting of the Cabinet or Committee at any time. A Special Meeting can also be requisitioned by at least one quarter of the whole number of the Members of the Cabinet or Committee, subject to a minimum of three Members. The requisition must be delivered in writing to the Chief Executive and must specify the business which it is proposed to transact at the meeting.

The summons for the Special Meeting must set out the specified business to be transacted, and no other business can be considered at that meeting other than:

- (i) to elect a person to preside if the Chair and Vice-Chair are not present; and
- (ii) to receive any declarations of interest from Members and Officer

### **3.6 Substitute Members**

#### **3.6.1 Substitutes generally**

For each Committee where substitution is applicable, substitutes are permitted in respect of each political group, and across non-aligned Members as if those members were to have formed a grouping. Substitution is only permitted within each political grouping, or within the non-aligned Members (i.e. a Member of a political group cannot substitute for a Member of another political group or a non-aligned Member; and a non-aligned Member cannot substitute for a Member of a political group).

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;
- (ii) where the ordinary Member will be absent for the whole of the meeting (N.B. the substitution shall apply for the whole of the meeting, even if the meeting is adjourned and reconvened on another date); and
- (iii) they have notified Officers before or at the start of the meeting.

Notification of substitution can be made by the Member appointing the substitute, the substitute Member, or in the case of a substitution within a political group by the Leader or Deputy Leader of the relevant political group

### **3.6.2 Number**

For each Committee where substitution is applicable, there shall be no maximum number of substitutes in respect of each political group or non-aligned Members at any meeting, provided that the general requirements in respect of Committee memberships are not infringed.

### **3.6.3 Powers and Duties**

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 for whom they are substituting. Substitute Members shall abide by any voting restrictions which would have applied to the Member for whom they are substituting.

### **3.6.4 Cabinet**

Substitution shall not apply to the Cabinet.

### **3.6.5 Planning and Licensing Committee**

Members of the Cabinet and/or the Audit and Governance Committee and/or the Overview and Scrutiny Committees can substitute at meetings of the Planning and Licensing Committee.

### **3.6.6 Audit and Governance Committee**

Members of the Planning and Licensing Committee who are not also Members of the Cabinet, and Members of the Overview and Scrutiny Committee, can substitute at Meetings of the Audit and Governance Committee.

### **3.6.7 Overview and Scrutiny Committee**

Members of the Planning and Licensing Committee who are not also Members of the Cabinet, and Members of the Audit and Governance Committee, can substitute at Meetings of the Overview and Scrutiny Committee.

## **3.7 Chair of the Council and Committees**

The Chair and, unless otherwise agreed the Vice-Chair of every Committee (with the exception of the Cabinet) will be elected by Full Council at the Annual Council.

The Chair of the Council, by virtue of office, is not eligible to hold office as a Chair of a Committee during their term. No Member of the Cabinet is entitled to hold the office of the Chair or Vice-Chair of any Committee.

No Member of the Council is entitled to hold the office of the Chair of more than one Committee at any time.

The Chair of the Overview and Scrutiny shall, wherever possible be a member of the opposition.

### **3.8 Power of Requisition**

Once a vote has been taken on a matter for which the Cabinet or a Committee has power to act, the decision of the Cabinet/Committee is made. If, however, three Members of the Cabinet or Committee so request, the matter is classed as “unresolved” and shall stand referred to the next Ordinary Meeting of the Council for decision.

The request must be made immediately after the vote is taken, and before the Meeting moves on to the next item of business as set out on the agenda or within the schedule of Applications being determined by the Planning and Licensing Committee.

The effect of such an action is that the power of the Cabinet/Committee to deal with the matter is cancelled. The Cabinet/Committee will report to the Council Meeting with a recommendation. The Council will receive all the paperwork in support of the item to be decided.

### **3.9 Proposer and Seconder of Motion may attend**

A Member of the Council who has proposed a motion which has been referred to the Cabinet or any Committee of which they are not a Member is entitled to attend the Cabinet/Committee at which the motion is to be considered and to speak at the meeting, but may not vote. A similar opportunity is afforded to the Member who seconded the motion.

### **3.10 Items for Agenda**

A Member can require that an item be placed on the agenda for a Committee if they give notice of such a request to the Chief Executive not later than seven working days in advance of the meeting in question; provided that no Member may seek to exercise their right under this Rule in relation to an item which they have previously had placed on an agenda within the preceding six months, or where the matter has been debated and determined within the preceding six months.

### **3.11 Attendance of Members as Observers**

Non-Members of the Cabinet and Committees have the right to attend meetings of the Cabinet and Committees as observers, as an approved duty. They may speak by invitation only from the Chair, but may not vote.

### **3.12 Suspension of Procedure Rules**

All of the Rules of Procedure which apply to meetings of the Cabinet and Committees, except Rule 16.6 and Rule 17.2, may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Cabinet/Committee are present and support the suspension. Suspension can only be for the duration of the meeting.

Any notice of motion to suspend Procedure Rules to enable the rescinding of a decision taken within the preceding six months must be submitted in line with the normal procedure for the submission of notices of motion, except that in cases which satisfy the legal conditions of urgency, any such notice of motion be permitted to be dealt with at the meeting concerned.