

## **Appendix 5 - Standing Orders relating to the Conduct of Committees, Sub-Committees, and Advisory Panels**

The purpose of these committee rules of procedure (“CPR”, often referred to as the “Standing Orders”) is to regulate the proceedings and business of Epsom and Ewell Borough Council’s committees, sub-committees and advisory panels, to ensure that the council’s business is carried out transparently and in accordance with good governance. The rules are there to guide and assist councillors with good decision making. They should not be used to obstruct the process of working efficiently and effectively. Definitions for key terms are available in the [Framework](#) (Annex 1.2).

### **1. CPR 1 – Questions from the public**

- 1.1. The procedure for hearing questions from the public is available in Annex 4.5.
- 1.2. Arrangements for public speaking at Planning Committee and licensing sub-committees are available in the [Framework](#) (Annex 4.8 and Annex 4.7).

### **2. CPR 2 - Petitions**

- 2.1. The council’s Petition Scheme outlines what a petition is and how to submit a valid petition, see the [Framework](#) (Annex 6.1).

### **3. CPR 3 - Committee, sub-committee and advisory panel timetables and agendas**

- 3.1. The Head of Legal Services / Monitoring Officer will prepare a timetable of meetings of the council’s committees, sub-committees, advisory panels and joint committees (as appropriate) each year and submit it to Full Council for approval. Meetings shall be organised in accordance with the approved timetable. The Head of Legal Services / Monitoring Officer may re-arrange the date for, add a further date or cancel, a meeting if they and the Chair of the body in question are both satisfied that there is good reason for doing so or insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. When a meeting is cancelled or the date is changed, the Head of Legal Services / Monitoring Officer shall notify councillors accordingly. When possible, notice of the cancellation or change shall also be posted on the council’s website.
- 3.2. The Head of Legal Services / Monitoring Officer must publish an agenda at least five working days before every meeting of any committee, sub-committee, advisory panel and joint committee or as soon as the meeting is called whichever is later.
- 3.3. The agenda must include:

- i. All items of business referred to the committee, sub-committee, advisory panel or joint committee.
  - ii. Any reports submitted to the committee or sub-committee by the Chief Executive, Directors, or Heads of Service.
  - iii. Any item of business which the Chair requires to be included.
- 3.4. Any councillor who wishes to request that a particular item of business be included must give notice in writing to the Head of Legal Services / Monitoring Officer by noon on the tenth working day before the date of the meeting.
- 3.5. A report shall not be submitted to a policy committee, sub-committee or advisory panel if, in the opinion of the Head of Legal Services / Monitoring Officer, it does not comply with legal or policy requirements.
- 3.6. Subject to any requirements of the Chair, the Head of Legal Services / Monitoring Officer must arrange the order of business in a manner in which they consider will ensure the effective despatch of business.
- 3.7. If it is not possible, owing to exceptional circumstances, to include a report on a particular item on the agenda before it is despatched, or if a report is proposed to be put to the meeting as a matter of urgency in special circumstances under Section 100 B of the Local Government Act 1972, the Head of Legal Services / Monitoring Officer shall circulate it to every person entitled to receive the papers of the committee or sub-committee as soon as practicable after they have been prepared.
- 3.8. The Audit and Scrutiny Committee has the right to call-in any decision of a policy committee, other than a recommendation to the Full Council, in accordance with the protocol on use of call-in procedure set out in the [Framework](#) (Annex 4.6).
- 4. CPR 4 - Special meetings of committees, sub-committees and advisory panels**
- 4.1. The Chair of any committee (or in their absence the Vice Chair) or the Chair of any sub-committee, advisory panel or joint committee may call a special meeting of that committee at any time. The Chief Executive, Chief Finance Officer and Monitoring Officer may also call a special meeting to consider business at any time.
- 4.2. A special meeting may also be called if a joint written request signed by at least three, or one quarter of the total number of the voting members of the committee or other body (whichever is the greater) has been made to the

Chair of the committee or body (or in their absence, Vice Chair). The request should be sent to the Head of Legal Services / Monitoring Officer.

4.3. The Chair may not refuse to hold a special meeting in such circumstances and a special meeting must be called within seven working days of the presentation of such a properly constituted request.

4.4. The request to call a special meeting must state the business to be transacted and no other business. The Head of Legal Services / Monitoring Officer must fix a date for the meeting which, so far as practicable, is appropriate for the proper despatch of that business (upon which the Standing Order for circulation of papers will then apply).

## **5. CPR 5 - Rights and duties to attend meetings**

5.1. Councillors who are members of a committee, sub-committee, advisory panel or other body are expected to attend those meetings. If they are unable to, they should notify the Chair and Democratic Services, and where appropriate, seek a substitute.

5.2. With the exception of Licensing Sub-Committees and the Standards Hearing Sub-Committee, any councillor may attend the meetings of all committees, sub-committees and advisory panels as an observer, and may speak if permission is given by the Chair. Such permission to speak will not normally be refused by the Chair. The protocol for non-committee members speaking at committees is available in the [Framework](#) (Annex 4.3). This section does not apply to Planning Committee, where separate rules apply (see the [Framework](#), Annex 4.8).

5.3. A co-opted member of a committee, sub-committee or advisory panel has the right to attend all meetings of that body but may speak only on matters which the Chair considers reasonably and fairly relate to the purposes for which they were appointed to the body. Co-opted members may not speak on the appointment of a Chair or Vice Chair or be elected to those offices.

5.4. The Audit and Scrutiny Committee may require the Chair (or nominated substitute) of a policy committee, the Chief Executive, a Director and / or any Head of Service to attend before it to explain matters within its remit, such as:

- i. Any particular decision or series of decisions.
- ii. The extent to which the actions taken implement council policy.
- iii. Their performance.

5.5. It is the duty of those persons named on paragraph 5.4 to attend if so required.

- 5.6. Notwithstanding anything said above, a member whose motion has been referred by the Full Council to a committee shall be given notice of the meeting at which it is proposed to consider the motion.

## **6. CPR 6 - Quorum**

- 6.1. The quorum of a policy committee, sub-committee, Audit and Scrutiny Committee or advisory panel shall be at least one quarter of the total number of members of the relevant body rounded up to the next whole number, but shall never be less than three except where authorised by statute or where ordered by the Full Council. Note: the three members in total includes the Chair and Vice-Chair.
- 6.2. If there is no quorum at the time the meeting is summoned to start, the Chair will allow a delay of fifteen minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time.
- 6.3. If during any meeting of a committee, sub-committee or advisory panel the Chair ascertains that a quorum is not present, the meeting shall stand adjourned for fifteen minutes. If after fifteen minutes there is still no quorum present, the meeting shall end.
- 6.4. The Chair may fix a date and time to deal with any business which cannot be dealt with because the meeting is not quorate in accordance with Standing Orders. If they do not do so, the business shall be dealt with at the next timetabled meeting of the committee, sub-committee or advisory panel.
- 6.5. Note: different rules may apply to meetings of joint bodies.

## **7. CPR 7 - Role of the Chair and Vice Chair**

- 7.1. A protocol on the role of the Chair and Vice Chair is available in the [Framework](#) (Annex 4.9).

## **8. CPR 8 - Absence of a Chair**

- 8.1. If the Chair is absent from a meeting, the Vice Chair shall chair the meeting. In the absence of a Vice Chair, or if no Vice Chair has been appointed by the Full Council, the committee must elect a person to Chair the meeting. A Chair or Vice Chair must be drawn from the membership of the committee or sub-committee. Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person chairing the meeting.
- 8.2. If the Chair or Vice Chair enters the meeting after another member has been appointed to preside, that member must immediately, at the conclusion of the matter under discussion, offer the chair to the Chair or Vice Chair.

- 8.3. If the Chair resigns or is unable to act as the Chair, the Vice Chair shall become the Chair until a new Chair is elected for the remainder of the municipal year by the Full Council. If the Vice Chair resigns or becomes unable to act as the Vice Chair, then the committee shall elect a new Vice-Chair until the end of the municipal year or to the next Full Council meeting, whichever is the earlier.

## **9. CPR 9 - Guillotine**

- 9.1. At 22.00 hours (or two and a half hours after a meeting has commenced or as may be appropriate), the Chair of a meeting shall review the business to be transacted and shall order the items so as to dispose of all matters requiring a decision by 22.30 hours. In respect of any matters still outstanding at 22.30 hours, the committee shall be asked to decide either that these be agreed as presented without debate / discussion, or that they be held over until the next meeting.
- 9.2. A meeting must not sit later than 23.00 hours in any event and the operation of this Standing Order cannot be suspended.

## **10. CPR 10 - Minutes**

- 10.1. The minutes of any meeting of a committee, sub-committee or advisory panel shall be written and presented to the next meeting of the relevant body.
- 10.2. The Chair shall put that the minutes of the meeting held on the day in question to be signed as a true record.
- 10.3. There shall be no discussion on the minutes, except in relation to their accuracy. If no question of accuracy is raised, or as soon as any question is settled, the Chair shall initial each page of the minutes in addition to dating and signing the final page of the said document.
- 10.4. If the committee, sub-committee or advisory panel is not scheduled to meet again, or is not likely to meet in the foreseeable future, the Chair of the committee or sub-committee (or in the absence of the Chair, any member of it) may sign the minutes using the above procedure, when the proceedings of that body are reported to (or at a convenient meeting of) the Full Council, or the parent committee, subject to the resolution of all questions as to their accuracy which may then be raised by members who were present at the meeting.
- 10.5. The minutes will reflect points at which any members leave or enter the meeting room and were not present when matters were being voted on.

## **11. CPR 11 – Terms of Reference and powers delegated by Full Council**

- 11.1. A committee, sub-committee or advisory panel shall act in accordance with its terms of reference and delegated powers as agreed by the Full Council, set out in Appendix 3.

## **12. CPR 12 - Rules of debate**

- 12.1. Meetings of policy committees, sub-committees and advisory panels are to be conducted with as little procedural formality as is consistent with the need for good order and the effective conduct of business. However, the following guidelines should be taken into account.

### **12.2. Proposals and amendments**

- 12.2.1. The officers' recommendations in a report shall constitute proposals which do not require to be moved and seconded and shall be the basis for debate.
- 12.2.2. During a debate, a member should make it clear if they are suggesting something which they wish to be, or form part of, the decision of the policy committee, sub-committee or advisory panel. It is best practice for any such proposals to be seconded, and the Chair may require them to be submitted in writing so that they may be read to the meeting before being discussed. For the sake of clear and transparent decision making, the Chair should explicitly ask the committee to agree to any such proposal and if any member disagrees, a vote by show of hands should be taken prior to any further debate.
- 12.2.3. Members must not speak about anything except the subject under discussion, a Point of Order, Personal Explanation or declaration of interest.
- 12.2.4. Members have no right to speak as often as they wish on a particular agenda item and the Chair may rule that a member may no longer be heard. The Chair's ruling on this shall be final and not open to comment.
- 12.2.5. It is the role of the Chair to summarise what the committee has decided, and if necessary, to take a final vote by show of hands, before moving onto the next item of business.

### **12.3. Motions referred from Full Council**

- 12.3.1. The proposer of a motion referred to the committee by the Full Council shall have the right to open the debate on the matter in question but may not vote on the matter unless they are a member of that policy committee, sub-committee or advisory panel. For the avoidance of doubt if the proposer of the motion is attending as a nominated substitute for a member of the Committee, they are not able to vote on the motion they brought to Full Council and referred to the committee. When there is no-one else wishing to speak, or the Chair determines that there has been sufficient discussion, the

Chair shall call on the proposer of the motion referred from Full Council to reply to the debate (max. 3 minutes), before the matter is put to the vote.

- 12.3.2. A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material; the Chair's ruling on this shall be final and not open to comment.
- 12.3.3. In accordance with council's Standing Orders, the policy committee, sub-committee or advisory panel in question will normally make a final decision on the motion, if they have delegated authority to do so, or make a report and recommendation to Full Council if they do not have such authority.
- 12.3.4. **Proposals which may be moved during debate.** When a matter is under debate no other proposal shall be moved except to:
  - i. Amend the proposal under discussion.
  - ii. Move that a member not be further heard.
  - iii. Move a motion under Section 100A (4) of the Local Government Act 1972 to exclude the press and public.
  - iv. Move a closure motion.

### **13. CPR 13 - Closure Motions**

- 13.1. At the conclusion of the speech of another member, any member may move one of the following closure motions:
  - i. To refer a recommendation of a sub-committee or advisory panel back to that body for reconsideration.
  - ii. To defer consideration of the matter until the next ordinary meeting of the committee.
  - iii. To adjourn the meeting.
  - iv. To put the question.
  - v. To proceed to the next business.
- 13.2. When moving a closure motion, the member must state which closure motion they are moving and, once the Chair has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max. 5 minutes).
- 13.3. On a proposal to refer a recommendation back to a sub-committee or advisory panel, the Chair shall give the Chair of the relevant body, if they are present, the right to reply to the motion (max. 5 minutes), after which the proposal shall be put to the vote without debate or comment.

- 13.4. On a proposal to defer consideration of a matter to a later date or to adjourn the meeting, if the Chair considers that the matter requires further discussion but cannot reasonably be discussed at the meeting in question, the proposal to defer shall be put to the vote without debate or comment.
- 13.5. On a proposal to proceed to next business, unless the Chair thinks that the committee, sub-committee or advisory panel needs to reach a decision at that meeting on the matter then under consideration, the proposal to proceed to next business shall be put to the vote, without comment or debate.
- 13.6. On a proposal that the question be now put, unless the Chair thinks that there has been insufficient debate of the matter, the Chair shall put to the vote the proposal that the question be now put without comment or debate.
- 13.7. **The Chair's discretion to put the question:** the Chair may curtail the debate at any time if they consider that the committee, sub-committee or advisory panel has sufficiently discussed the matter. They shall thereupon give the movers of the motion and amendment (if any) their rights of reply and put that motion or amendment to the vote.
- 13.8. **Motions to exclude the press and public:** Unless a proposal to exclude the press and public is on the agenda, the Chair shall ascertain the grounds for the motion and shall ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, they shall allow the proposer of the matter under discussion a right of reply on the proposal to exclude the press and public and shall then put the proposal to the vote. If it is passed the Chair may at their discretion either immediately require the press and public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- 14. CPR 14 - Points of Order and Personal Explanation**
  - 14.1. If a member wishes to raise a Point of Order or point of Personal Explanation, the member should normally stand and shall be heard immediately, and any member then speaking shall give way.
  - 14.2. A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the Point of Order shall specify which rule(s) of procedure or statutory provision is involved and how the member thinks it has been broken. The ruling of the Chair on any point of order is final.
  - 14.3. A point of Personal Explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the member said earlier and

how they feel this has been misunderstood. The ruling of the Chair on any point of order is final.

**15. CPR 15 - Composition of committee, sub-committees and advisory panels (including substitution of members)**

- 15.1. Every member of the council shall be eligible for appointment to a sub-committee with the exception of the Licensing (Hearings) Sub Committee, on which only members of the Licensing and Planning Policy Committee are permitted to sit. Note, mandatory training may be required to be able to sit on certain committees, such as Planning Committee.
- 15.2. A committee may decide to co-opt additional members onto the committee, whether members of the council or not. Co-opted members of a committee shall not be counted in the quorum for the committee and shall not be entitled to vote on any matter before the committee. Co-opted members may be appointed to assist with a specific area of business or generally to assist the committee in its work.
- 15.3. Subject to section 102 (5) of the Local Government Act 1972 and Standing Orders on substitutions, every person appointed as a voting member of a committee or sub-committee and every person appointed to exercise other functions in relation to a sub-committee shall continue until the appointment is terminated by the Full Council or they resign.
- 15.4. A member of a committee, joint committee, sub-committee or advisory panel may, for the whole of a specified meeting, designate as their substitute another councillor. The substitute may attend the meeting on behalf of, but not in addition to, the nominating member and shall be entitled to speak and vote. The nominating member, Leader / Chair of their Group, or Deputy Leader / Chair of their Group, shall inform the Democratic Services Manager of the substitute in writing prior to the meeting in question. Nominated substitutes must have received any mandatory training that is required for members of the relevant committee to participate in meetings (for example: Planning Committee training required under the Code of Practice for Planning Matters).
- 15.5. Provisions for the appointment of substitutes do not apply to meetings of licensing sub-committees.

**16. CPR 16 - Motions and questions affecting staff**

- 16.1. If any motion or question arises at a meeting of a committee, sub-committee or advisory panel as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the council, or their conduct, the matter must not be discussed until it has been decided whether

or not to exclude the press and public under Section 100 A (4) of the 1972 Act.

**17. CPR 17 - Good order in meetings**

- 17.1. All councillors must address the Chair when speaking.
- 17.2. The Chair may interrupt the debate to restore order by using the command “order” or by striking the gavel. The committee must then be silent until the Chair calls upon a councillor to speak.
- 17.3. **Disorderly conduct by councillors:** If any councillor conducts themselves in one of the following ways, then the Chair may name the councillor and require them to apologise and to correct their behaviour immediately:
  - i. Persistently disregards the ruling of the Chair.
  - ii. Behaves irregularly improperly or offensively.
  - iii. Deliberately disregards established procedure.
  - iv. Deliberately obstructs the business of the meeting.
- 17.4. If a councillor named by the Chair, under the paragraph above, continues their misconduct, the Chair may do any or all of the following at their discretion, and at any time during the meeting:
  - i. Forbid the councillor from speaking for some or all of the rest of the meeting.
  - ii. Order the councillor to leave the meeting for all or part of the remaining business.
  - iii. Order the councillor to be removed from the meeting.
  - iv. Adjourn the meeting for such period as they think fit.
- 17.5. A councillor may not impute improper motives, or use any offensive expression, to any other councillor. The Chair shall be the sole judge at the meeting of when this rule has been broken. If a councillor ignores or rejects his ruling he shall be dealt with under the two preceding paragraphs.
- 17.6. **Disturbance by members of the public:** If a member of the public interrupts the proceedings at any meeting the Chair shall issue them a warning. If the member of the public continues the interruption the Chair shall order the member of the public to be removed from the meeting room.
- 17.7. In the event of a public disturbance, the Chair may without question adjourn the meeting for such period as they consider expedient.

17.7.1. **Note:** The decision of the Chair as to acceptable conduct whether by members or the public shall be final.

## **18. CPR 18 - Voting**

18.1. A question may be decided by “unanimous consent” where the Chair asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.

18.2. Except as otherwise provided, voting shall be on a show of hands of those present.

18.3. The number of councillors voting for, against or abstaining on a motion, shall be recorded in the minutes.

18.4. At a meeting of a committee, sub-committee or advisory panel any four members may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, an appropriate officer shall call the name of each member present and that member shall speak to indicate whether they vote for or against the motion, or abstain from voting.

18.5. Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or the fact that they did not vote, shall be recorded in the minutes.

18.6. The Chair must ascertain the numbers voting for or against any motion or amendment. The Chair or an officer present shall inform the meeting of the numbers. Once the Chair has satisfied themselves as to the totals, their declaration of the result cannot be questioned.

### **18.7. Second or casting votes**

18.7.1. If the votes are tied on any issue, the Chair may use a second or casting vote as follows:

- i. If the Chair voted at the same time as the other members (i.e. used their first vote) they may use their second vote;
- ii. If the Chair did not vote at the same time as the other members they may use their casting vote.
- iii. The Chair may decline, without explanation, to use either their second or casting vote.

18.7.2. If the votes remain tied at the end of the voting process, the effect is that no decision has been taken on the matter in question and the motion being voted upon is lost.

**19. CPR 19 - Record of attendance**

- 19.1. The Democratic Services officer present is responsible for recording attendance at meetings.

**20. CPR 20 - Implementation of committee decisions**

- 20.1. A decision of a policy committee or sub-committee which is vulnerable to call-in, as described in the overview and scrutiny procedure rules (see the [Framework](#), Annex 4.6), shall not be implemented until the fifth clear working day after it has been made.