

Part 4A

RULES OF PROCEDURE

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) elect the Chairman of Council;
- (c) appoint the Vice-Chairman of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman and/or head of the paid service;
- (f) at the first annual meeting following the ordinary election of councillors without debate elect the Leader;
- (g) without debate appoint at least one Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, of this Constitution);
- (h) approve a programme of ordinary meetings of the Council for the year; and
- (i) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules.



2. ORDINARY MEETINGS

2.1 Business

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council by no later than the Council's annual meeting. Ordinary meetings will:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- (e) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (f) deal with any business from the last Council meeting including at the first ordinary meeting of the year the confirmation of the election of the Leader, and the Executive and the appointment of the scrutiny and other committees;
- (g) receive petitions;
- (h) receive a report from the Executive and minutes of the Council's committees (other than Development Control Committees) and to receive questions from members thereon;
- (i) consider motions;
- (j) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate;
- (k) receive nominations of councillors to serve on each committee and outside body; and
- (l) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.



2.2 Selection of Councillors for outside bodies

At the first ordinary meeting following the annual meeting the Council will appoint councillors to outside bodies in respect of non-Executive functions and receive a report from the Executive disclosing the names of councillors who have been appointed to outside bodies in respect of Executive functions.

To enable the Council and the Executive to make these appointments:

- (a) the Chief Executive shall circulate a list of appointments open to the Council at least 21 days before the date of the first ordinary meeting of the Council;
- (b) members will indicate their preference; and
- (c) the Chief Executive will supply to the Council and the Executive the nominations received.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. TIME AND PLACE OF COUNCIL MEETINGS

The time and place of meetings of the Council will be determined by the Council and notified in the summons although the annual meeting shall be held at 18.00 (unless the Council shall otherwise decide).

5. NOTICE OF AND SUMMONS TO COUNCIL MEETINGS

The 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 five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at



their usual place of residence. 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.

6. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the chairman of committees and sub-committees but subject to Rule 25.2.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. CONFLICTS OF INTEREST

- 8.1** A member having an interest shall comply with the Members' Code of Conduct. In the event of a member having absented him or herself that member shall not return to the room until allowed by the Chairman to do so.

9. PUBLIC SPEAKING

9.1 General

Members of the public may ask questions of the Leader of the Council and any chairman of an ordinary committee at ordinary meetings of the Council and may make representations on any specific item on the agenda.

9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 12.00 on the last but one working day before the day of the meeting. Each question must give the name and address of the questioner and identity of the member of the Council to whom it is to be put.



9.4 Number of and time limits on questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation. Unless the Chairman otherwise specifies, each speaker will be limited to two minutes in which to ask the question or questions. Subject to the Chairman's discretion there will be an overall limit of 15 minutes devoted to public questions.

9.5 Scope of questions

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

9.6 Record of questions

The Chief Executive will record each question and make the same available for public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

9.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, he or she may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

9.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 9.5 above.



9.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

9.10 Reference of question to the Executive or a committee

Unless the Chairman specifies otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

9.11 Public speaking on specific items

- (a) Parish and neighbourhood councils in the District and members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to two minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public shall not exceed 12 minutes in respect of each item.
- (b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.
- (c) Where the item concerns a planning or licensing application the rule in Rule 9.11(a) is modified to allow parish or neighbourhood councils two minutes each, objectors two minutes each subject to an overall limit of six minutes, applicants and supporters two minutes each subject to an overall limit of six minutes

10. QUESTIONS AND STATEMENTS BY MEMBERS

10.1 On reports of the Executive or committees

A member of the Council may

- (a) ask the Leader, member of the Executive or the chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council;
- (b) make a statement on such an item as is referred to in Rule 10.1(a).



10.2 Questions on notice at full Council

Subject to Rule 10.3, a member of the Council may ask:

- the Chairman;
- the Leader;
- a member of the Executive;
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District.

10.3 Notice of questions

A member may only ask a question under Rule 10.2 if either:

- (a) he or she has given notice in writing of the question no later than 12.00 on the last but one working day before the meeting to the Chief Executive; or
- (b) the question relates to urgent matters, he or she has the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive by 12.00 on the day of the meeting.

10.4 Response to questions

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.5 Supplementary question

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10.6 Length of questioning

Unless the Chairman specifies otherwise, the time available to the questioner shall be limited to two minutes initially and one minute for supplementary questions. The time available to the respondent shall be limited to five minutes initially and to two minutes for supplementary questions.



10.7 Statement in response by questioner

A member asking a question or questions may make one statement in response to the answer or answers received and, unless the Chairman specifies otherwise, the time available to the questioner shall be limited to five minutes.

10.8 Statements under Rule 10.1(b)

Unless the Chairman specifies otherwise, the time available to a member making a statement under Rule 10.1(b) shall be limited to five minutes.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting. These will be recorded and made available for public inspection.

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, the Leader, committees or officers and any resolutions following from them;
- (g) to withdraw a motion;



- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 Management of debate

The Chairman shall have the control of debate and will use his or her discretion to ensure the effective, efficient, fair and orderly conduct of the business. He or she will normally follow the rules set out in this Rule 13 but the Chairman's interpretation, application or waiver of these rules of debate will be final.

13.2 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.3 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

13.4 Secunder's speech

When seconding a motion or amendment, a member may reserve his or her speech until later in the debate.



13.5 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

13.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.



- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.8 Alteration of motion

- (a) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.9 Withdrawal of motion

A member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;



- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.12 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.13 Point of order

A member may raise a point of order at any time. The Chairman will hear him or her immediately. A point of order may only relate to an alleged



breach of these Council Procedure Rules or the law. The member must indicate the Rule or law and the way in which he or she considers it has been broken. The ruling of the Chairman on the matter will be final.

13.14 Personal explanation

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

14. STATE OF THE DISTRICT DEBATE

14.1 Calling of debate

The Leader will call a state of the District debate annually on a date and in a form to be agreed with the Chairman.

14.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the District debate and will cover the consultation with business ratepayers.

14.3 Chairing of debate

The debate will be chaired by the Chairman.

14.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Executive in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.



15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

16.2 Chairman's casting vote

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

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands or by electronic means if available, or if there is no dissent, by the affirmation of the meeting.

16.4 Ballots

The vote will take place by ballot if a majority of members present at the meeting demands it. The Chairman will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded vote

If a member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

16.6 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, his or her vote will be so recorded in the minutes to show whether he or she voted for or against the motion or abstained from voting.



16.7 Voting on appointments to outside bodies

- (a) Each member shall have the following vote or votes in respect of the appointment of members to outside bodies:
 - (i) one vote 'a first preference vote' which may be given for the member's first preference from among the candidates seeking appointment and
 - (ii) if there are three or more candidates, one vote 'a second preference vote' which may be given for the member's second preference from among those candidates.
- (b) The appointee is to be appointed under the simple majority system, unless there are three or more candidates.
- (c) If there are three or more candidates seeking appointment the appointee is to be appointed under the supplementary vote system in accordance with (d) and (e) below.
- (d) If one of the candidates receives more than half of all the first preference votes given in the election that candidate is to be appointed.
- (e) If none of the candidates receives more than half of all the first preference votes given in the election then:
 - (i) The two candidates who received the greatest number of first preference votes given in the election remain in the contest
 - (ii) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (i) all of them remain in the contest.
 - (iii) The other candidates are eliminated from the contest.
 - (iv) The number of second preference votes given in the election for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates is to be ascertained.
 - (v) That number is to be added to the number of first preference votes given for that candidate, to give his total number of preference votes.
 - (vi) The person who is to be appointed is that one of the candidates remaining in the contest who has the greatest total number of preference votes.



- (viii) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the Chairman shall have a second or casting vote.
- (f) Where there are two or more appointments to be made to an outside body each appointment shall be treated separately.

17. MINUTES

17.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).



20. MEMBERS' CONDUCT

20.1 Addressing the Council

When a member speaks at full Council he or she must address the meeting through the Chairman. If more than one member wishes to speak and so signifies, the Chairman will ask one to speak and the others must remain silent. Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Chairman's intervention

When the Chairman wishes to speak during a debate, any member speaking at the time must stop. The meeting must be silent.

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

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

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he or she thinks necessary.

20.6 Use of mobile telephones etc

No member shall use or allow to be switched on any mobile telephone, pager or similar device in a meeting.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he or she continues to interrupt, the Chairman will order his or her removal from the meeting room.

21.2 Clearance of part of meeting room



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

21.3 Use of mobile telephones etc

No member of the public shall use or allow to be switched on any mobile telephone, pager or similar device in a meeting.

22. RECORDING ETC OF MEETINGS

22.1 No member of the public nor individual members of the Council shall record by electronic means the proceedings at a meeting without the consent of the Chairman.

22.2 The Council shall have the right to record any proceedings.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Procedure Rules except Rules 16.6 and 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 Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of full Council. Rules 5–7, 9.11, 11–13, 15–19, 19–25 apply mutatis mutandis to meetings of ordinary committees and sub-committees and the Standards Committee. None of the Rules applies to meetings of the Executive or Scrutiny Committees except where they are specifically applied.

25. CHAIRMANSHIP AND VICE CHAIRMANSHIP OF COMMITTEES AND SUB-COMMITTEES

25.1 Chairmen of ordinary Committees/sub-committees and the Standards Committee and any sub-committees will (subject to any statutory constraints) be elected by the Committee/sub-committee from among the councillors sitting on the Committee/sub-committee. A vice-chairman will also be appointed.



25.2 The Chairman of the Council or in his or her absence the Vice Chairman or in their absence a member of the Committee elected for the purpose by the Committee shall preside for the election of chairman of the Committee. The person presiding for this item shall not have a vote in the election of the chairman unless he or she is a member of the Committee appointed by the Council but shall have a casting vote.

