

Education and Training Committee 25 November 2009

Rules and standing orders

Executive summary and recommendations

Introduction

The Health Professions Council (Education and Training Committee) (Constitution) Rules 2009 and the Committee's standing orders set out the governance arrangements for the Committee. The Rules were amended by the Council on 6 July 2009 to provide for the appointment of an interim Committee, pending the recruitment of a number of members to the Committee.

Decision

The Committee is asked to note its rules and standing orders.

Background information

The rules were approved by the Council on 26 March 2009 and amended by the Council on 6 July 2009. The standing orders were approved by the Council on 20 May 2009.

Resource implications

None.

Financial implications

None.

Appendices

1. Committee rules and amendment rules
2. Committee standing orders.

Date of paper

16 November 2009.

The Health Professions Council (Education and Training Committee) (Constitution) Rules 2009

The Health Professions Council makes the following Rules in exercise of its powers under paragraphs 17(1) and 18(2) of Schedule 1 to the Health Professions Order 2001.

PART 1 Introductory

Citation and commencement

1. These Rules may be cited as the Health Professions Council (Education and Training Committee) (Constitution) Rules 2009 and shall come into force on 1st July 2009.

Interpretation

2. In these Rules—

“Committee” means the Education and Training Committee;

“final outcome” in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

- (a) once the period for bringing an appeal has expired without an appeal being brought; or
- (b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;

“licensing body” means—

- (a) any body, other than the Council, anywhere in the world that licenses or regulates any profession;
- (b) the Council for the Professions Supplementary to Medicine, prior to its abolition by virtue of the Order;

“lay member” means a member who—

- (a) is not and never has been a registrant, or registered under the 1960 Act or in the AODP register, the AEP register or the BPS register; and
- (b) does not hold a qualification that would entitle them to apply for registration under the Order;

“member”, unless the context otherwise requires, means a member of the Committee and includes the chair and any deputy chair;

“the Order” means the Health Professions Order 2001;

“spent conviction” means—

- (a) in relation to a conviction in a court in Great Britain, a conviction that is a spent conviction for the purpose of the Rehabilitation of Offenders Act 1974; or
- (b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

PART 2

Education and Training Committee

Education and Training Committee

3.—(1) The Education and Training Committee shall consist of not more than 30 members appointed by the Council and the membership shall include—

- (a) at least 3 members of the Council;
- (b) at least 1 registrant from each of the relevant professions; and
- (c) at least 5 lay members.

(2) Of the members appointed in accordance with paragraph (1)—

- (a) at least one member shall live or work wholly or mainly in each of England, Scotland, Wales and Northern Ireland; and
- (b) the majority of members shall have such qualifications and experience in relation to the provision, funding or assessment of professional education and training as the Council considers will be of value to the Committee in the performance of its functions.

(3) The Council shall determine the duration of the term of office of members of the Committee on their appointment.

(4) No person may be a member of the Committee for more than an aggregate of 8 years during any period of 20 years but, for the purpose of the computing that aggregate, any service as a member of the committee prior to 1st July 2007 shall be discounted.

(5) The quorum of the Committee shall be half of the total number of members of the Committee, plus one.

Chair of the Education and Training Committee

4.—(1) The Council shall appoint a member of the Committee as the chair of the Committee.

(2) The term of office of the chair of the Committee shall be determined on appointment but it shall not exceed that person’s term of office as a member of the Committee.

- (3) The member serving as chair of the Committee shall cease to be chair—
- (a) if the member resigns as chair, which the member may do at any time by notice in writing to the Council;
 - (b) on ceasing to be a member of the Committee;
 - (c) if the member's membership of the Committee is suspended by the Council;
or
 - (d) if a majority of the Council votes to terminate the member's appointment as chair.

(4) If, for any reason, the chair is absent from a meeting of the Committee, the members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

- (5) If, for any reason—
- (a) the Committee is on notice that the chair is likely—
 - (i) to be absent for more than one meeting of the committee, or
 - (ii) to be unavailable to perform the duties of a chair for more than a month; or
 - (b) the office of chair is vacant,

the Committee may nominate a member ("deputy chair") to serve as chair during the absence or unavailability of the chair or the vacancy.

- (6) A member serving as deputy chair shall cease to be deputy chair—
- (a) in the case of—
 - (i) the absence or unavailability of the chair, once the chair notifies the Committee that they are able to resume their duties, or
 - (ii) the office of chair being vacant, once the vacancy is filled;
 - (b) if the member ceases to be a member;
 - (c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the Council;
 - (d) if the member's membership of the Committee is suspended by the Council;
or
 - (e) if the Committee votes (by a majority at a quorate meeting) to terminate the member's appointment as deputy chair.

PART 3

Disqualification, termination and suspension of members

Disqualification from appointment

5. A person is disqualified from appointment as a member if that person—
- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
 - (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
 - (ii) the conviction is not a spent conviction;
 - (c) has at any time been removed—
 - (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
 - (aa) for which the person was responsible or to which the person was privy, or
 - (bb) which the person by their conduct contributed to or facilitated, or
 - (ii) under—
 - (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), or
 - (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (powers of the Court of Session),from being concerned with the management or control of any body;
 - (d) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
 - (e) has at any time been adjudged bankrupt or sequestration of the person's estate has been awarded, and—
 - (i) the person has not been discharged, or
 - (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986 or Schedule 2A of the Insolvency (Northern Ireland) Order 1989 (which relate to bankruptcy restriction orders and undertakings);
 - (f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;

- (g) is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
 - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989 (company directors disqualification),
 - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
- (h) has been included by—
 - (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007), or
 - (ii) the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007);
- (i) has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by any licensing body, the final outcome of which was—
 - (i) the person’s erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body,
 - (ii) the person’s suspension from a register held by the licensing body, and that suspension has not been terminated, or
 - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;
- (j) has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by the Council, in the course of which or where the final outcome was that—
 - (i) the person was removed from or struck off the register (for a reason connected to the person’s fitness to practise),
 - (ii) the person’s registration in the register was suspended (including by an interim suspension order) and that suspension has not been terminated,
 - (iii) the person’s registration in the register was made conditional upon their compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted, or
 - (iv) the person’s registration in the register was annotated by virtue of a caution order and that order is still in force;
- (k) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in the register was fraudulently procured, the final outcome of which was the removal of the person’s entry in the register;
- (l) is or has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by—

- (i) any licensing body, or
- (ii) the Council,

and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants;
or

- (m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants.

Termination of committee membership

6.—(1) A member shall be removed from office by the Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the Council;
- (b) in the case of a member who is —
 - (i) a registrant, that member's registration lapses, or
 - (ii) a lay member, that member no longer satisfies the criteria for being a lay member;
- (c) the member becomes a person of the type mentioned in rule 5(a), (b) or (e) to (h) whether or not they thereafter cease to be such a person;
- (d) the member becomes a person of the type mentioned in rule 5(c) or (d);
- (e) in the case of a registrant, the member becomes the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, in the course of which or as a result of which—
 - (i) the member is struck off the register,
 - (ii) the member's registration in the register is suspended,
 - (iii) the member's registration in the register is made conditional upon the member's compliance with any requirement, or
 - (iv) the person's registration in the register is annotated by virtue of a caution order, and the proceedings relating to that particular sanction have reached their final outcome;
- (f) in the case of a registrant, the member becomes subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's entry in the register;
- (g) the Council is satisfied that the member's level of attendance at meetings of the Committee falls below a minimum level of attendance acceptable to the Council, having regard to—
 - (i) any recommended minimum levels of attendance that the Council has set in its standing orders, and
 - (ii) whether or not there were reasonable causes for the member's absences;

- (h) the Council is satisfied the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council has included in its standing orders;
- (i) the Council is satisfied that the member is no longer able to perform their duties as a member of the Committee because of adverse physical or mental health;
- (j) the Council is satisfied that the member's continued membership of the committee would be liable to undermine public confidence in the regulation of registrants.

(2) A member who becomes, or may become, a person to whom paragraph (1)(b) to (f) applies must notify the Council in writing of that fact as soon as the person becomes aware of it.

(3) Any member or employee of the Council may notify the Council if they are of the view that the Council may need to exercise its functions under paragraph (1).

Suspension of committee membership

7.—(1) The Council may suspend a member from office by a notice in writing served on the member—

- (a) if the Council has reasonable grounds for suspecting that the member has become a person to whom rule 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the Council is considering whether or not it is satisfied as to the matters set out in rule 6(1)(g) to (j);
- (c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,

and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

- (d) if the member is the subject of any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings concerning the member's entry in the register is or are ongoing;
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—

- (i) either—
 - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
 - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
- (ii) the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings is or are ongoing.

(2) The Council shall suspend a member from office by notice in writing served on the member if the member is the subject of an order under article 31 of the Order (interim orders by a Practice Committee).

(3) The notice in writing under paragraph (1) or (2) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(4) The Council—

- (a) may at any time review a suspension of a member by it; and
- (b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(5) Following a review, the Council may—

- (a) terminate the suspension; or
- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(6) The Council shall notify the suspended member in writing of the outcome of any review and that notice in writing shall include the reasons for any decision taken.

Sealed with the common seal of the Health Professions Council on 20th May 2009

Anna van der Gaag
President

Marc Seale
Registrar

The Health Professions Council (Education and Training Committee) (Constitution) (Amendment) Rules 2009

The Health Professions Council makes the following Rules in exercise of its powers under paragraph 17 of Schedule 1 to the Health Professions Order 2001.

Citation and commencement

1. These Rules may be cited as the Health Professions Council (Education and Training Committee) (Constitution) (Amendment) Rules 2009 and shall come into force on 1st July 2009.

Interpretation

2. In these Rule, “the Principal Rules” means the Health Professions Council (Education and Training Committee) (Constitution) Rules 2009.

Amendment of the Principal Rules

3.—(1) In the preamble to the Principal Rules, for “paragraphs 17(1) and 18(2)” substitute “paragraph 17”.

(2) In Rule 3 of the Principal Rules (Education and Training Committee):

(a) in paragraph (1) for “The” substitute “Subject to paragraph (6), the”;
and

(b) after paragraph (5), insert:

“(6) For the period from 1st July 2009 until 1st October 2009 or such earlier date as the Council may determine, the Committee shall consist of not less than 10 temporary members appointed by the Council on such terms as it shall determine to serve as members of the Committee for that period.”.

Sealed with the common seal of the Health Professions Council on [date] 2009

Anna van der Gaag
Chair

Marc Seale
Registrar

COMMITTEE STANDING ORDERS

1. Application and Interpretation

- (1) These Standing Orders, together with the provisions of the Health Professions Order 2001 (the 2001 Order) establish the basic rules about how all Committees and Sub-Committees of the Council (other than the Practice Committees) conducts their proceedings.
- (2) In these Standing Orders "Committee" means any Committee or Sub-Committee to which they apply and, unless the context otherwise requires, other terms have the same meaning as in the 2001 Order.
- (3) If a procedural point arises during a meeting which is not covered by these Standing Orders (or the 2001 Order), the common law rules concerning the conduct of meetings will apply.
- (4) The Committee Chair is the final authority as to the interpretation of these Standing Orders.

2. Composition of Committees

- (1) The composition of the Education and Training Committee shall be determined by the Council in accordance with the Health Professions Council (Education and Training Committee) (Constitution) Rules 2009.
- (2) The Audit Committee shall comprise four members appointed by the Council on such terms as it shall determine of which:
 - at least one member shall have recent, significant and relevant financial experience;
 - at least two members shall be members of Council; and

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- no member shall also be a member of the Finance and Resources Committee.
- (3) The Communications Committee shall comprise six members appointed by the Council on such terms as it shall determine of which:
- at least two members shall be members of the Council;
 - at least one member shall be a lay member; and
 - the majority of members shall have such qualifications and experience as the Council considers will be of value to the Committee in the performance of its functions.
- (4) The Finance and Resources Committee shall comprise ten members appointed by the Council on such terms as it shall determine of which:
- at least one member shall have recent, significant and relevant financial experience;
 - at least four members shall be members of the Council;
 - at least one member shall be a lay member; and
 - no member shall also be a member of the Audit Committee;
- (5) The Fitness to Practise Committee shall comprise ten members appointed by the Council on such terms as it shall determine of which:
- at least four members shall be members of the Council; and
 - at least one member shall be a lay member.

3. Frequency of Meetings

- (1) Committees shall meet at such times as the Committee shall determine, subject to the following:
- (a) The **Education and Training Committee** shall hold not less than four meetings in each year, on dates correlated with the Council's cycle of meetings;

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- (b) The **Audit Committee** shall hold not less than three meetings in each year, on dates which coincide with key dates within the financial reporting and audit cycle;
- (c) The **Finance and Resources** Committee shall hold not less than four meetings in each year.

4. Adjournment of Meeting

- (1) The Chair may, with the consent of the Committee, adjourn a meeting, but no business shall be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.
- (2) If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting shall be given as if it was an ordinary meeting of the Committee.

5. Access to meetings

- (1) All meetings of the Committee shall be open to the public unless the business under consideration concerns:
 - (a) information relating to a registrant, former registrant or applicant for registration;
 - (b) information relating to an employee or office holder, former employee or applicant for any post or office;
 - (c) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
 - (d) negotiations or consultation concerning labour relations between the Council and its employees;
 - (d) any issue relating to legal proceedings which are being contemplated or instituted by or against Council;
 - (e) action being taken to prevent or detect crime or to prosecute offenders;
 - (f) the source of information given to the Committee in confidence; or
 - (g) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Committee's functions.

6. Notice of Meetings

- (1) The Secretary shall give Members not less than seven days notice of the time and place of a meeting.
- (2) If for any reason a meeting is convened at shorter notice, then the Secretary shall give Members notice of the time and place of the meeting at the time that the meeting is convened.
- (3) Failure to send notice of a meeting to a Member shall not invalidate the proceedings of that meeting.

7. Agenda

- (1) The Secretary shall issue an agenda for each meeting.
- (2) Except in cases of urgency or where circumstances make it impracticable to do so, the agenda for a meeting and any accompanying papers will be sent to Members seven days before the meeting.

8. Chair

- (1) The Chair of the Committee, who shall be appointed by the Council on such terms as it shall determine, shall preside at any meeting of the Committee.
- (2) If the Chair is absent from, or otherwise unable to preside at, a meeting the Members present shall nominate one of their number to serve as chair at that meeting.
- (3) In these Standing Orders, references to the "Chair" include a Member presiding at a meeting of the Committee in place of the Chair.

9. Quorum

- (1) The quorum at any meeting of a Committee shall be:
 - (a) in the case of a Panel of the **Education and Training Committee**, any three Members;
 - (b) in the case of the **Audit Committee**, any two Members;
and

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- (b) in any other case, half of the total number of Members of the Committee plus one.
- (2) For the purpose of Standing Order 8(1) "Panel" means a Panel of the **Education and Training Committee** which has been convened to:
- (a) consider Visitors' reports which are submitted to the Committee and any representations upon such reports and, if thought fit, to approve the course of education or training, qualification or institution to which that report relates;
 - (b) consider and, if thought fit, approve proposed changes to such courses, qualifications or institutions;
 - (c) consider and, if thought fit, approve matters arising from the monitoring of such courses, qualifications or institutions.
- (3) If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall be held over until the next meeting of the Committee, unless a meeting is called in the meantime for the transaction of that business.
- (4) If, during a meeting of the Committee, it appears to the Chair that a quorum has ceased to exist, business will be suspended and the number of Members present counted and, if:
- (a) a quorum exists, the business will proceed;
 - (b) a quorum does not exist, the meeting will be dissolved and all remaining business will be adjourned to the next meeting of the Committee.

10. Conduct of Meetings

- (1) The order of business at a meeting shall follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- (2) A Member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the meeting.
- (3) All motions must relate to matters that are within or related to the functions of the Committee and the Council.

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- (4) Members shall not make derogatory personal references or use offensive expressions or improper language to any other Member or any employee of the Council.
- (5) A Member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition, unbecoming language or other improper conduct on the part of a Member and, where the Member persists in that conduct, may direct that Member to cease speaking.
- (6) A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, shall be final and shall not be open to debate.

11. Voting

- (1) Except where the 2001 Order specifies otherwise, any question at a meeting shall be decided by a majority of the Members present voting by a show of hands.
- (2) In the event of an equality of votes, the Chair shall be entitled to an additional casting vote.

12. Minutes of meetings

- (1) The Secretary shall keep minutes of each meeting which shall include a record of the Members present at that meeting.
- (2) At each meeting, the minutes of the preceding meeting shall be confirmed (or confirmed as amended) and be signed by the Chair as a true record of that meeting.
- (3) The signed minutes of a meeting shall, unless the contrary is proved, be conclusive proof of the proceedings of that meeting.

13. Duration

Subject to Standing Order 8(3), a meeting shall start at the time set out in the notice of meeting and shall normally continue until all of the business on the agenda has been disposed of, but the duration of a meeting may only exceed three hours with the consent of the Members present.

14. Disorder

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- (1) If, in the opinion of the Chair, a Member has persistently disregarded the ruling of the Chair or behaved in a manner which is obstructing the business of the meeting, the Chair may order that Member to withdraw from the whole or part of the remainder of the meeting.
- (2) In the event of a disturbance which, in the opinion of the Chair, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.
- (3) If a member of the public interrupts the proceedings at any meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

15. Interests of members

- (1) Members shall make a declaration of their personal interests in accordance with the Members' Interests Registration Scheme established by the Council and shall be under a duty to ensure that the details of their interests set out in the Register of Members' Interests maintained by the Council are accurate and up to date.
- (2) The agenda for every meeting shall include as an item of business the declaration of interests. A member who has a personal interest in any matter under consideration at that meeting, whether or not declared in the Register of Members' Interests, shall promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member shall withdraw from the meeting during the Committee's consideration of that matter.

16. Code of conduct

Members shall comply with the Code of Conduct adopted by the Council.

17. Members' education, training and performance

- (1) The Council shall establish standards of education and training for Members and, as part of those standards, shall arrange for Members to undergo training to assist them in their performance of their duties.

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- (2) The Council shall establish standards of attendance and performance for Members, which may include a system of annual performance appraisal.
- (3) Members shall comply with the standards established by the Council under this Standing Order and shall not, without reasonable excuse, refuse to participate in the training or any appraisal processes.

18. Approval of resolutions without meeting

A resolution which, with the consent of the Chair, is circulated to, and approved in writing or electronic form by not less than three quarters of the Members entitled to receive notice of and attend a meeting of the Committee shall be as valid as if it had been passed at such a meeting.

19. The Secretary

- (1) The Registrar, or such other person as the Registrar may appoint, shall be the Secretary to the Committee.
- (2) In these Standing Orders, references to “the Secretary” mean the Registrar or, where a person has been appointed in accordance with Standing Order **20(2)**, that person.

20. The Registrar, Secretary and advisers

- (1) Unless for good reason the Committee resolves otherwise, the Registrar shall be entitled to attend and speak at meetings of the Committee.
- (2) The Secretary or any other person advising on the business before a meeting of the Committee (including advising the Chair on issues of order) may attend and, with the consent of the Chair, speak at that meeting.