

# 4B Committee Procedure Rules

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## 1. Application of these Rules

These Rules are made up of the following sections:

**1.1 Rules 1 to 27** apply to all committees, sub-committees and panels of the Council. These are currently:

- Area Forums
- Overview and Scrutiny Committee, its sub-committees (known as ‘panels’) and Call-In Sub-Committees
- Audit and Governance Committee (incorporating the Standards Committee)
- Licensing and General Purpose Committee and its panels;
- Planning Committee
- Pension Fund Panel
- Pension Board
- Revenue Appeals Panel
- Chief Officer Appointment Panel
- Corporate Parenting Panel
- Schools Forum
- Health and Wellbeing Board

**1.2 Rules 23 to 25** set out additional rules which apply to the Planning Committee.

**1.3 Rules 26 to 51** and Appendix 1 set out additional rules that apply to the Overview and Scrutiny Committee and its sub-committees.

**1.4** These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

## 2. Establishment of Committees

**2.1** The Council at its Annual Meeting will:

- (a) decide which Committees to establish for the Municipal Year;
- (b) decide the size and terms of reference of these Committees; and
- (c) decide the allocation of seats on these Committees to the political groups in accordance with the rules on political proportionality;

**Note:** These Rules do not apply to Advisory Panels or committees of the Executive.

The number and classification of Members, independent members and persons, and co-optees appointed to each Committee and the details of any sub-committees and panels established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

## 3. Attendance of Members at Committees, Sub-Committees and Panels

**3.1** No right to speak

- (a) Any Member of the Council may attend meetings of Committees, sub-committees and panels.
- (b) Subject to 4.2 below, Councillors who are not ordinary members of the Committee, sub-committee or panel may not speak at meetings unless the Committee, sub-committee or panel (usually the Chair) agrees that the Member concerned may speak, or, the Member has been invited to the Committee, sub-committee or panel to speak.

## 4. Appointment of Sub-Committees and Panels

- 4.1** Committees of the Council may establish sub-committees and panels with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Committee.
- 4.2** Committees may appoint ordinary Members to sub-committees and panels in accordance with the rules on political proportionality, pursuant to section 15 of the Local Government and Housing Act 1989 and subordinate legislation. Committees may also appoint non-voting co-opted members to sub-committees and panels.
- 4.3** The Licensing Panel must contain 3 members of the Licensing Committee.

## **5. Chairing Committees, Sub-Committees and Panels**

### **5.1 Election of a Chair of a Committee**

The Chairs of Committees of the Council will be appointed by the Council under the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

### **5.2 Election of Chair of Sub-Committee or Panels**

Where any Committee establishes a sub-committee or panel the Committee shall appoint the Chair of the sub-committee or panel. If a Committee fails to appoint a Chair to a sub-committee or panel then the sub-committee or panel shall appoint a Chair as the first item of business.

The Committee, sub-committee or panel may appoint a Vice Chair at its first meeting following the Annual Council.

### **5.3 Absence of Chair at Meetings of Committees, Sub-Committees and Panels**

In the absence of the Chair, the Vice-Chair shall preside.

If after 15 minutes since the identified start time of the Committee, Sub-Committee or Panel neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

## **6. Business not on the Agenda**

**6.1** Business not on the agenda may only be considered where:

- (a)** the Access to Information Procedure Rules of the Constitution have been complied with; or
- (b)** a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

### **6.2 Late and urgent Reports marked 'To Follow' on the Agenda**

If there is a request to publish an agenda report on an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees by virtue of the special

circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

## **7. Time and Place of Meetings**

- 7.1** Meetings of Committees, sub-committees and panels shall take place at the time and place stated on the Agenda. Subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Committee, sub-committee or panel.
- 7.2** For those sub-committees or panels not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Members of the sub-committee or panel.

## **8. Cancellation of Meetings**

- 8.1** The Head of Paid Service and or the Monitoring Officer may cancel a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

## **9. Calling of Special Meetings**

### **9.1 Calling Special Meetings**

The final decision about calling a Special Meeting, if one is requested, will be with Chief Executive in consultation with the Chair.

### **9.2 Business**

The Business at special meetings of Committees, sub-committees and panels shall be restricted to the items notified in the published Agenda.

## **10. Notice of and Summons to Meetings**

- 10.1** The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish an agenda. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by all relevant reports.

## **11. Quorum**

- 11.1** The quorum of a meeting where the whole membership is three will be two, where the whole membership is 4 will be 3, and where the whole membership is between 5 and 10, it will be 4, and where it is larger than 10 it will be more than a quarter. The calculation is made on the whole number of members of the Committee, sub-committee or panel as established by Council.
- 11.2** If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.
- 11.3** During any meeting, if the Chair becomes aware 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee, sub-committee or panel.

## 12. Duration of Meetings

### 12.1 Commencement and Closure

Meetings of Committees, sub-committees and panels will close 2 and a half hours after the time of the start of the meeting as advertised on the Agenda except as determined below.

### 12.2 Varying the Closure Time

Meetings of Committees, sub-committees or panels shall terminate in the manner set out in this rule unless:

- (a) the business of the meeting has been completed before the end of 2 and a half hours after the meeting; or
- (b) by resolution passed before the closure time, the Committee, sub-committee or panel resolves to extend the meeting beyond that time.
- (c) No such meeting shall continue beyond 11pm, with the exception of the Planning Committee which can be extended further in order to ensure the fair completion of business.

### 12.3 Determining Business Upon Closure

At the time of closure the Chair will advise the Committee, sub-committee or panel that the procedure to terminate the meeting is to be applied;

- (a) Any speech commenced and then in progress shall be concluded;
- (b) The Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- (c) All remaining business before the Committee, sub-committee or panel, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment. This is also known as the seriatim rule.
- (d) Paragraph 12.3 does not apply to the Planning Committee or to Licensing Panels.

## 13. Petitions

### 13.1 Presentation of Petitions

Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme and this may involve it being presented to the appropriate meeting of the Committee or sub-committee.

At the discretion of the Chair a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, to introduce the petition within a 3 minute timescale.

## 14. Public Questions

- 14.1 Members of the public may ask questions at area forums in accordance with the procedure set out in the papers published for that meeting.

## 15. Confidential Business

All reports, other documents, information, discussions and proceedings of a Committee, sub-committee or panel which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee, sub-committee or panel. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of

Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee, sub-committee or panel meeting following a resolution to exclude the press and public.

## **16. Voting**

### **16.1 Majority**

Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put. Voting will normally be by a show of hands.

### **16.2 Chair's Casting Vote**

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

### **16.3 Individual Recorded Vote and Explanation for Vote**

If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

### **16.4 Recorded Vote of all Members present**

If immediately before an ordinary vote is taken three Members present at the meeting demand 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.

### **16.5 Voting on Appointments**

If there are more than two people nominated for any position to be filled by a Committee, sub-committee or panel and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

## **17. Minutes**

### **17.1 Signing the Minutes of Committees, Sub-Committees and Panels**

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

### **17.2 Minutes of Decisions of Committees, Sub-Committees and Panels**

Minutes of Committees, sub-committees and panels shall be published on the Council's intranet and website.

## **18. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with Access to Information Procedure Rules elsewhere in the constitution or the rule relating to Disturbance by the Public also elsewhere in this constitution.

## **19. Members' Conduct**

### **19.1 Precedence of Chair**

When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

### **19.2 Member not to be heard further**

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

### **19.3 Member to leave the Meeting**

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

### **19.4 General Disturbance**

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

## **20. Disturbance by the Public**

### **20.1 Removal of Member of the Public**

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

### **20.2 Clearance of Part of a Meeting Room**

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

### **20.3 Adjournment during a meeting with a disturbance**

- (a) Following an order by the Chair for one or more members of the public to leave the meeting room, if he/she deems it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as he/she thinks necessary.
- (b) If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

## **21. Suspension and Amendment of Committee Procedure Rules**

### **21.1 Suspension**

- (a) All of these Committee Procedure Rules except the Rules on Individual Recorded Vote and Explanation for Vote, Exclusion of the Public, Suspension and amendment of Committee Procedure Rules, may be suspended by motion on notice or without notice where such a motion is carried by a majority of those present.
- (b) Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

### **21.2 Amendment**

The Committee Procedure Rules may only be changed by Council.

## **22. Ruling of the Chair on Interpretation of these Rules**

The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

## **23. Membership of the Planning Committee and Licensing Committee**

The requirements set out in this Procedural Rule shall apply to Members serving on the Planning and/or Licensing Committee.

In nominating Members to serve on the Planning and/or Licensing Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed the Training Course shall be kept by the Monitoring Officer and updated periodically by him/her as future Members are trained.

## **24. Additional Rules for the Planning Committee**

The following rules are specific to the Planning Committee. They apply to the Planning Committee (or any committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).

## **25. Information on the rights of Applicants and Objectors to speak in relation to Applications at the Planning Committee**

- 25.1** For planning applications, the applicant will only be able to speak if there is an objector who wishes to address the committee. In exceptional circumstances, the Chair may agree that an applicant, who would significantly add to the information already available, will be allowed to speak at the committee in the absence of an objector. Where both parties address the committee, the order of speaking will be the objector, followed by the applicant. Each party will be given no more than 5 minutes to speak.
- 25.2** Members of the public, or applicants should contact the committee administrator with details of the proposed submission no later than noon on the Friday of the week before the meeting. Notification will be given of the Chair's decision with regard to the request to speak.
- 25.3** Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations. This is to ensure that members of the public have the right to address the committee and officers can address reasons for grant and conditions.