

# Part Four, Section B

## Committee Procedure Rules

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### COMMITTEE PROCEDURE RULES

1. The Council at its annual meeting shall establish such Committees, Sub-Committees and other bodies as may be required by law or be necessary to carry out the work of the Council, and shall prescribe the number of voting members of each Committee or other body having regard to political balance in accordance with the Local Government and Housing Act 1989, define their terms of reference and delegate to them such functions, powers and duties (except the power of levying the council tax) as the Council shall think fit or statute may require.
2. The Council may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee or other body, and shall hold office until the annual meeting in the year following their appointment or for so long as the Council deem appropriate, whichever is the earlier; and if they resolve to make such appointments, shall specify the number of appointments to be made and the functions in relation to the body that each person so appointed may exercise.
3. Where appointments to Sub-Committees and other bodies are made by the Council, they shall be deemed for all purposes to have been made by their parent Committee (or, in the case of joint Sub-Committees and other bodies, by their parent Committees) and to be subordinate bodies of the Committee(s), which may make arrangements for a sub-committee to discharge any of the functions of the authority which the committee may discharge.
4. Where Chairs and Deputy-Chairs of Sub-Committees and other bodies have been appointed by the Council shall be deemed to have been appointed by their parent Committee(s).
5. From time to time other bodies may be established for the purpose of assisting or advising Committees in the exercise of their functions. They may be authorised to co-ordinate executive action across several Services or to develop policy in areas where special consideration is desirable.
6. Unless expressly provided for in the respective constitution or terms of reference, these rules will apply to all non-executive bodies including the Licensing Sub-Committee. When the Licensing Sub-Committee is conducting a hearing, then only the rules on Substitute Members shall apply.

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7. Whenever:
  - (a) the Council is required to review the allocation of seats on Committees between political groups, or
  - (b) the Council resolves to carry out such a review, or
  - (c) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or
  - (d) a Committee resolves to carry out such a review, the Chief Executive shall submit a report to the Council or Committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.
8. In the light of such a report under paragraph 7 above, the Council or Committee, as the case may be, shall determine the allocation of seats to political groups.
9. Full Council, in respect of non executive committees and the Leader, in respect of Executive appointments, are responsible for appointing to or terminating appointing to committees/Cabinet.
10. These rules in respect of Committees shall apply to the Standards Committee and Licensing Sub-Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance in relation to the Licensing Sub-Committee.

**MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.**

12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.
13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.
14. The Chair of a Committee or Sub-Committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a Committee or Sub-Committee, whichever is greater, has been presented to the Democratic Services Manager.

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15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the Committee or Sub-Committee.
16. Where any members decide to call a special meeting of a Committee or Sub-Committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at rule 51 below.
17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.
18. No meeting shall continue after 10 p.m., except that discussion of the specific item or case in hand at 10 p.m. may continue thereafter at the discretion of the Chair of the meeting. Consideration of any business remaining shall be deferred to the next ordinary meeting, except where the matter(s) falls to be dealt with under the urgency provisions.
19. In the absence of the Chair, the Deputy-Chair(s) shall have authority to act for any of the purposes set out in rule 12-15 above.

**CHAIRS AND DEPUTY CHAIRS OF COMMITTEES, SUB-COMMITTEES, ETC**

20. At each annual meeting, the Council shall appoint the Chair and Deputy Chair(s) for every Committee, Sub-Committee and other body for the year ahead, unless the Constitution provides otherwise. If a vacancy arises during the year, the Chief Executive shall report to the next ordinary meeting of the Council to enable a member to be appointed to fill the vacancy.
21. If any appointment possible under the previous paragraph is not made, the Committee, Sub-Committee or other body shall, from among their voting members, appoint a person to preside at their meetings.
22. In the absence of the Chair from a meeting, the Deputy-Chair shall preside. In the absence of both the Chair and a Deputy-Chair from a meeting and providing the meeting is quorate, any member may propose, at the request of the Democratic Services Manager or his/her representative, the election of a voting member present to preside at the meeting.
23. The first proposal to elect a member to preside shall be voted upon before any further proposal is made. The Democratic Services Manager or his/her representative, acting on the advice of the Monitoring Officer or his/her representative, shall determine any

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question of interpretation relating to the election procedure before a member has been chosen to preside. Unless a member is elected to preside, or the Chair or Deputy Chair returns, the meeting cannot transact any business.

24. If, while another member is presiding at a meeting, the Chair or Deputy-Chair enters the meeting, the member presiding shall stand down in favour of the Chair or Deputy-Chair at the conclusion of the item under discussion.

**QUORUM**

25. No business shall be transacted at any meeting of a Committee, Sub-Committee or other body, unless at least one quarter of the whole number of voting members are present, provided that in no case shall any business be transacted unless at least three voting members are present.

26. **Commencement of Meeting**

If there is no quorum after fifteen minutes from the time appointed for the start of the meeting, that meeting shall be postponed to a future date, to be determined by the Chair after consultation with the Opposition spokesperson.

27. **During Meeting**

If at any time after the commencement of a meeting there is not a quorum present, the Chair shall suspend the business for three minutes. If there is still no quorum at the end of three minutes the Chair shall terminate the meeting.

**LIMITATION ON DELEGATED POWERS**

28. Each Committee, Sub-Committee, or other body shall act in accordance with Part 3 of this Constitution and with the responsibilities for functions so delegated to it as approved by the Council (and in accordance with its own constitution, if any) subject to the following general reservations:

(a) Where powers have been delegated to a Committee, Sub-Committee, or other body it shall be competent for that body to refer any matter to the next higher authority for decision by them and the Democratic Services Manager shall so arrange. A Chair of a body may, within two working days after the date of a decision being made and before definitive action has been taken, delay by written notice to the Democratic Services Manager, such definitive action to enable the decision to be confirmed or otherwise by the next higher authority.

(b) A matter referred by a joint body to the higher authority under sub-clause (a) above shall be submitted to the relevant parent

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body/bodies having responsibility for that aspect of the joint body's terms of reference.

**QUESTIONS, DEPUTATIONS AND PETITIONS**

**29. Public Questions**

- 29.1 Any resident, council tax payer or national non domestic rate payer of the Borough may ask the Chair of any Committee or its sub bodies any question on anything for which the Committee is responsible at any ordinary meeting.
- 29.2 Notice of questions must be given in writing to the Democratic Services Manager by 10 a.m. on such day as shall leave ~~five~~ **three** clear days before the meeting (e.g. Friday for a meeting on the Monday 10 days later). The notice must give the name and address of the sender. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection
- 29.3 The Monitoring Officer may reject a question if it:
- Is not about a matter for which the local authority has a responsibility or which affects the Borough;
  - 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.
- 29.4 The Democratic Services Manager may put questions into an appropriate form without affecting their substance and redirect them if necessary.
- 29.5 The questions to be asked shall be supplied to all members no later than at the meeting.
- 29.6 The Democratic Services Manager shall announce the question number and the name and address of the questioner. The questioner shall ask the question and the member shall reply orally or may ask another member to reply on his/her behalf.
- 29.7 The Chair may allow one supplementary question for elucidation only.
- 29.8 A total time of 20 minutes (excluding any adjournment) shall be allowed for public questions and answers, but a question being answered at the time limit shall be completed.
- 29.9 Any questions remaining unanswered after the time limit, and any questions for which the questioner is neither present shall be answered in writing.

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30. **Deputations**

- 30.1 A deputation may only be received by a Committee or its sub bodies if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the Democratic Services Manager not later than 10am to leave ~~five~~ **three** clear days prior to the Committee meeting.
- 30.2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.
- 30.3 Subject to the foregoing the Democratic Services Manager shall bring the requisition before the Chair, who shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Committee. The Chair must have regard to other business on the agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the agenda of the same subject matter. Where there is not an item on the agenda of the same subject, the Chair may refer the deputation to another relevant body of the Council.
- 30.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Committee meeting, advising of the reasons for the deputation not being taken at the Committee.

30.5 Scope of deputations

The Monitoring Officer may reject a deputation if it

- Is not about a matter for which the relevant Committee has responsibility;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a deputation, question or motion which has been put at a meeting of the Committee in the past six months; or
- Requires the disclosure of confidential or exempt information.

30.6 Taking the deputation at the meeting

- A total of 15 minutes shall be allocated to deputations on the Committee agenda.
- If the Chair has decided that the notice of the deputation shall be given on the agenda paper, any councillor shall be at liberty when the item is called by the Chair to move a motion without notice that

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the deputation be not received or that it be referred to another relevant body of the Council and such motion on being seconded shall at once be put to the vote.

- The deputation spokesperson will be given three minutes to introduce the deputation, referring to the matters in their deputation requisition. Following which they may answer any questions from members. The Chair will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the agenda when doing so.

#### 30.7 The Committee Chair will provide a response in writing to the deputation spokesperson, outlining the actions that will be taken as a result of the deputation.

### 31. Petitions

- 31.1 The Democratic Services Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Committee meeting. The petition will be handed to the Chair, and recorded as received by the Democratic Services Manager without any further debate. The Chair should report the response to the petition at the next ordinary meeting of the Committee.

### PRESENTATIONS

32. Presentations shall be made to Committees at the discretion of the Chair on matters of interest or concern to residents of the Borough which fall within the scope of the Committee's terms of reference.
33. The total time allowed for a presentation shall not exceed 30 minutes, including the time allowed for questions, unless the meeting approves some other limit.

### CONFIRMATION OF MINUTES

34. Minutes of every meeting shall be presented to the next ordinary meeting.
35. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.
36. No discussion shall take place upon the minutes except upon their accuracy. If no question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

### RULES OF DEBATE

37. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.

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38. The Chair shall conduct the debate and shall seek to prevent a member from wasting time, being repetitive or using unbecoming language. In matters of doubt the Chair shall have regard to the appropriate provisions of these Procedure Rules. Each speaker must direct his or her speech to the question under discussion, or to a point of order, or to a personal explanation.

**DISORDERLY OR OFFENSIVE CONDUCT BY A MEMBER**

39. **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 member be not heard further. If seconded, the motion will be voted on without discussion.
40. **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 leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
41. **General disturbance**  
If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

**DISTURBANCE BY MEMBERS OF THE PUBLIC**

42. **Removal of member of 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.
43. **Clearance of part of 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.

**DECLARATIONS OF INTEREST OF MEMBERS**

44. If a member of a Committee has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.



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45. If a member of a Committee has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

**VOTING**

46. Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. Voting shall be by a show of hands.
47. Immediately after the vote is taken, a member may require to be recorded in the minutes whether he/she voted for or against the decision or abstained.
48. In the case of an equality of votes, the Chair shall have a second or casting vote, unless the constitution of the body as approved by the Council provides otherwise.
49. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

**ATTENDANCE**

50. Any member of the Council may attend the public part of all meetings whenever he/she wishes and, with the Chair's consent, may take part in the business of a meeting of which he/she is not a member but may not move a resolution nor vote. Before a member participates in or addresses a meeting under this rule, written notice should be given to the Chair, preferably before the meeting but in any event as soon as the member arrives at the meeting. Members of the Council are not required to complete any form used by the public to request permission to speak at a meeting.
51. With the Chair's consent, any member of the Council may attend the exempt part of meetings whenever he or she wishes and may take part in the business of a meeting of which he or she is not a member but may not move a resolution nor vote. No member, other than the appointed members of the bodies concerned, may attend certain meetings affecting specific individuals, such as Appointments Panels, hearings and appeals where this is prevented in the Constitution or procedure rules of the body or where advised by the Monitoring Officer.
52. Apart from at full Council, where every member shall sign his/her name on the attendance sheet, attendance of members at committees will be recorded by the Democratic Services staff.
53. Where a member is proposing to be absent for any reason from a meeting of a particular Committee/Sub-Committee to which they have been appointed they may give notice to arrange for a substitute

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member in their place. The Chief Whip of a political group may give this notice in place of any member from that group who will be absent.

54. Notice under rule 53 must be given in writing, including e-mail, to the Democratic Services Manager by 10.00 a.m. on the day of the meeting if the meeting commences at 6.00 p.m. or later. Where the meeting commences before 6.00 p.m., the notice must be given by 10.00 a.m. on the previous working day before the meeting.
55. On receipt of notice under rule 53 above, the Democratic Services Manager will notify the Chief Whip for the political group of the member who will be absent. The Chief Whip will make arrangements for the attendance of a substitute member from the list of reserve members for that Committee/Sub-Committee nominated by the group. Where none of the listed reserve members for the relevant Committee/Sub-Committee is available, or where no reserve members have been nominated, then the Chief Whip may select any other member of the group. The provisions of this rule are subject to rule 58 below.
56. The name of the member selected to act as the substitute must be notified in writing, including e-mail, by the Chief Whip to the Democratic Services Manager no later than 3 hours before the time for commencement of the meeting stated on the agenda.
57. If the Chief Whip of a political group is absent or unable to act for any reason, then any action to be taken by the Chief Whip in this rule may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.
58. In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the Planning Sub-Committee, Dismissal Appeals Sub-Committee, and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve members will be trained for the relevant body as soon as possible after their appointment.
59. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. Rule 53 does not apply so as to allow substitution at meetings of the Cabinet or its Committees or its subordinate bodies.

**RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS**

60. Meetings may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public recording, filming or reporting on any meeting shall be asked

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not to include the public seating areas, however the Council cannot guarantee that members of the public attending any meeting will not be filmed or recorded by others attending the meeting. Members of the public participating in any meeting (e.g. making deputations, asking questions, making oral protests) will be aware that they are likely to be filmed, recorded or reported on. Members of the public shall be aware that by entering the meeting room they are consenting to being filmed and to the possible use of those images and sound recordings.

61. The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.
62. There is a protocol outside this Constitution offering guidance on recording, photography and use of social media at Council, Cabinet and other public meetings.

**SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES**

63. All of these Committee Procedure Rules except Rules 44, 45 and 52 may be suspended by motion on or without notice if at least one half of all members of the Committee, sub committee etc., are present. Suspension can only be for the duration of the meeting.

**CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS**

64. The ruling of the Chair on the interpretation or application of any of these Standing Orders, or on any proceedings of the Committee, Sub-Committee, Panel or other body, shall not be challenged.