

## **COMMITTEE AND SUB COMMITTEE PROCEDURE RULES**

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### **1. INTRODUCTION**

- 1.1 These rules are designed to ensure meetings run smoothly and are conducted properly.
- 1.2 So far as the law allows, any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item in the agenda. In order to achieve this at least one half of the whole number of members of the committee or Sub Committee should be present, a motion must be moved and seconded and a vote carried.
- 1.3 If any issues arise at a meeting in relation to interpretation of the procedure rules the Chairman's decision will be final.
- 1.4 Any motion (including received on notice) or proposition to add to, vary or revoke these Committee meeting Procedure Rules, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Committee.

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### **2. ARRANGEMENTS FOR COMMITTEE AND SUB COMMITTEE MEETINGS**

- 2.1 The agenda and papers, including such reports as are available, for meetings must be available at least five clear working days before the meeting.
- 2.2 The duration of any meeting shall be at the absolute discretion of the Chairman.

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### **3. ORDER OF BUSINESS**

- 3.1 The order of business will usually be:
  - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
  - (b) receive apologies;
  - (c) receive declarations of interest;
  - (d) deal with any item required by statute to be dealt with before any other item;
  - (e) approve the Minutes of the last meeting;
  - (f) consider any relevant petitions;
  - (g) deal with any business from the last meeting of the Committee;

- (h) consider 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;
  - (i) consider questions from, and provide answers to, Councillors on any matter in relation to which the Committee has powers or duties;
  - (j) receive reports for decision by Committee;
  - (k) receive reports for information;
  - (l) consider any other business specified on the agenda;
  - (m) consider motions referred by Council.
- 3.2 This order of business does not have to be followed and can be changed at the Chairman's discretion before the agenda is sent out or during the meeting itself.
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#### **4. REMOVAL OF CHAIRMAN OF COMMITTEE**

- 4.1 At any meeting of a Committee or Sub-Committee a Councillor may propose that "the meeting has no confidence in the Chairman", the question shall after debate be put and if carried by a majority of at least two thirds of the Councillors present the Chairman shall stand down and the remainder of the meeting shall be chaired by the Vice-Chairman or in his or her absence by a Councillor elected for that purpose by the meeting.
- 4.2 Following a successful vote of no confidence in the elected Chairman he or she shall not officiate at any subsequent meeting of the Committee or Sub-Committee prior to the next meeting of the Council. At that meeting the Council shall consider whether to confirm or not the vote of no confidence. If by a simple majority the Council shall decide to confirm the vote, the office of Chairman of the relevant Committee shall be declared vacant and a new Chairman shall be elected by the Council.
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#### **5. QUORUM**

- 5.1 The quorum of a meeting will be one quarter of the whole number of Members on that Committee (for the avoidance of doubt this will be rounded up to the next whole number). 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 issues will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting of that Committee.
- 5.2 The quorum of the Regulatory Sub Committee and the Licensing Sub Committee will be 3 members.

- 5.3 At any time during the meeting the Chairman can adjourn the meeting.
  - 5.4 The order of business can be varied at the discretion of the Chairman or by a resolution following a motion moved, seconded and put to the meeting without debate.
  - 5.5 The person presiding at the meeting may exercise any power or duty of the Chairman.
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## **6. URGENT ITEMS**

- 6.1 No business shall be transacted at a meeting of the Committee other than that specified in the agenda except business brought before the meeting as a matter of urgency as certified by the Chairman for specific reasons which are to be included in the Minutes.
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## **7. QUESTIONS BY THE PUBLIC**

### **7.1 General**

Members of the public may ask questions of any Chairman of a Committee in accordance with the meeting agenda.

### **7.2 Order of Questions**

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

### **7.3 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 midday three clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the relevant Chairman to whom it is to be put.

### **7.4 Number of Questions**

At any one meeting no person may submit more than one question (plus a supplementary question) and no more than one question (plus a supplementary question) may be asked on behalf of one organisation. The Chairman shall also have the discretion to limit the number of questions received at any one meeting.

### **7.5 Scope of Questions**

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the Committee has a responsibility;

- (b) is defamatory, frivolous, vexatious or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

#### **7.6 Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question to the Councillor 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 his/her 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.

#### **7.7 Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor 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 7.5 above.

#### **7.8 Written Answers**

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

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### **8. QUESTIONS BY COUNCILLORS**

#### **8.1 Questions on Notice at Committees and Sub-Committees**

Subject to Rule 8.2 a Councillor who is not a member of that Committee or Sub-Committee may ask the Chairman a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

#### **8.2 Notice of Questions**

A Councillor may only ask a question if either:

- (a) he/she has given by noon at least three clear working days' notice in writing or by electronic mail of the question to the Chief Executive.

- (b) if the question relates to an urgent matter, then with the consent of the Committee Chairman provided that the question is given to the Chief Executive by 4 p.m. on the working day prior to the meeting it can be put to Committee.

### 8.3 Response

An answer may take the form of:

- (a) a direct oral answer given at the meeting;
- (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.

### 8.4 Supplementary Question

A Councillor asking a question under Rule 8.1 may ask one supplementary question without notice to the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

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## 9. CONSIDERATION OR RECOMMENDATIONS IN REPORTS

With regard to the Development Control A and B and Planning Referral Committees, the process to be followed in respect of the moving of recommendations is set out in the [Planning Charter](#).

- 9.1 The report recommendation should be moved by one Committee member and seconded by another Committee member. It then becomes a motion which may be debated before a vote is taken.
- 9.2 Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved:
  - (a) an alternative to a recommendation in the report;
  - (b) amendments to motions.

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## 10. MOTIONS WITHOUT NOTICE

- 10.1 Motions can be moved and seconded orally at meetings to ensure meetings run smoothly and are conducted properly. The following motions may be moved without notice:

- (a) to appoint a Chairman for the meeting in the absence of the Chairman and Vice Chairman;
- (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 Sub Committee arising from an item on the agenda for the meeting;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn the meeting;
- (l) to suspend a particular Committee Procedure Rule other than Committee Procedure Rules 13.4 (recorded vote) and 14.1 (signed Minutes);
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a Councillor named under Rule 15.2 or to exclude him or her from the meeting under Rule 15.3;
- (o) to give the consent of the Committee where its consent is required by this Constitution.

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## **11. RULES OF DEBATE**

- 11.1 If a Councillor wishes to speak they should indicate their intention by raising their hand.
- 11.2 The Chairman will decide the order in which speakers will be heard.
- 11.3 Councillors will remain seated when speaking and must address the Chairman.
- 11.4 Speeches must be directed to the subject under discussion or to a personal explanation or point of order. The speech of a proposer of any motion or amendment shall not exceed 5 minutes and no other speech may exceed 3 minutes without the consent of the Chairman.

- 11.5 When seconding a motion or amendment, a Councillor may reserve his/her speech until later in the debate.
- 11.6 Councillors may speak once on any motion. However, if a motion is amended Councillors may speak once on each amendment.
- 11.7 If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
- 11.8 The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.
- 11.9 If an amendment to a motion has been moved and seconded, the mover of the original motion has a right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks but may not otherwise speak on it.
- 11.10 A proposition/motion may be altered with the consent of the mover and the seconder.
- 11.11 A Councillor may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of the Committee and Sub Committee Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.
- 11.12 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor 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.

**11.13 Amendments to Recommendations and 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) An amendment may be accepted by the mover of the original motion.
- (c) 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.

- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.
- (f) 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.

#### 11.14 Propositions or Motions Which May be Moved During Debate

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

- (a) to withdraw a motion or proposition;
- (b) to amend a motion or a proposition;
- (c) to proceed to the next business; must be seconded and vote has to take place - see below;
- (d) that the question be now put; must be seconded and vote has to take place - see below;
- (e) to adjourn a debate; must be seconded and a vote has to take place see below;
- (f) to adjourn a meeting; must be seconded and a vote has to take place see below;
- (g) to exclude the public and press in accordance with the Access to Information Rules; must be seconded and a Council resolution has to be passed;
- (h) to not hear further a Councillor named under Rule 15.2 or to exclude him or her from the meeting under Rule 15.3;
- (i) to amend or accept the recommendation contained in a report under consideration by the Committee.

#### 11.15 Withdrawal of Motion

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



### 11.16 Bringing Debate to Early Closure

- (a) A Councillor who has not already spoken in the matter may orally move a motion:
    - (i) To proceed to the next business;
    - (ii) That the question be now put;
    - (iii) To adjourn a debate;
    - (iv) To adjourn a meeting.
  - (b) If a motion/proposition 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/proposition/a right of reply and then put the procedural motion to the vote.
  - (c) If a motion/proposition that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote.
  - (d) If it is passed he/she will give the mover of the original motion/proposition a right of reply before putting his/her motion/proposition to the vote.
  - (e) If a motion/proposition 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/she will put the procedural motion to the vote without giving the mover of the original motion/proposition the right of reply.
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## 12. MATTERS AFFECTING EMPLOYEES

- 12.1 If any question arises at a meeting of the Committee as to the appointment, promotion, salary, dismissal, pension entitlement or conditions of service or the conduct of a Council employee, such questions shall not be discussed until the Committee has considered whether or not to exclude the press and public under Part 1 Paragraph 1 of Schedule 12A of the Local Government Act 1972.
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## **13. VOTING**

### **13.1 Majority**

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

### **13.2 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.

### **13.3 Method of Voting**

13.3.1 The primary method of voting at all meetings will be electronic voting.

If electronic voting is not available, the Chairman of the meeting will determine the voting method to be used. This could include, but is not limited to, voting by:

- show of hands,
- roll call, or
- if there is no dissent, affirmation of the meeting.

13.3.2 A record of how each Councillor voted during the electronic vote will be published on the Council's website.

13.3.3 Neither provision of Rule 13.3 will negate the ability of Councillors to call for a recorded vote under Rule 13.4.

### **13.4 Recorded Vote**

If three Councillors 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.

### **13.5 Right to Require Individual Vote to be Recorded**

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

### **13.6 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of

the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

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## **14. MINUTES**

### **14.1 Signing the Minutes**

The Chairman will sign the Minutes of the proceedings at the next suitable meeting. The only part of the Minutes that can be discussed is their accuracy.

#### 14.2 Form of Minutes

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

#### 14.3 Record of Attendance

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

#### 14.4 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the [Access to Information Rules](#) in Part 3 of this Constitution or Rule 16.

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### 15. COUNCILLORS CONDUCT

#### 15.1 Chairman Standing

When the Chairman stands during a debate, any Councillor speaking at the time must stop. The meeting must be silent.

#### 15.2 Councillor not to be Heard Further

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

#### 15.3 Councillor to Leave the Meeting

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

#### 15.4 General Disturbance

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

## **16. DISTURBANCE BY PUBLIC**

### **16.1 Removal of Member of the Public**

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

### **16.2 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.

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## **17. OTHER**

17.1 Placards, banners, advertising materials and similar items are not permitted in any Committee meeting.

17.2 Mobile phones must be switched to silent.

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## **18. RIGHTS TO RECORD COMMITTEE AND SUB COMMITTEE MEETINGS** (ie the proceedings at a meeting)

- (a) The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.
- (b) The Chairman of the meeting has the discretion to stop or suspend recordings by the public if in their opinion continuing to do so would disrupt proceedings at the meeting. The circumstances in which this might occur include:
  - Excessive noise in recording or setting up and re-setting equipment
  - Intrusive lighting and use of flash photography
  - Moving to areas outside the area designated for the public without the Chairman's consent.
  - Whilst taking a recording (e.g. film, audio, tweet, blog) you must not do so in a manner which constitutes an invasion of privacy.
- (c) Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.
- (d) Agendas for and signage at meetings will make it clear that recording can take place. Anyone who does not wish to be recorded should let the Chairman of the meeting know.

- (e) Recording and reporting the meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance; e.g. with the Human Rights Act, the Data Protection Act and the laws of libel, defamation and public order. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.
- (f) The Council has a [protocol](#) in place in respect of recording at meetings which is available on the Council’s website.

**19. PUBLIC SPEAKING AT DEVELOPMENT CONTROL/PLANNING COMMITTEES**

19.1 Public speaking at the Development Control Committees [and Planning Referrals Committee] is allowed in accordance with the [Charter on Public Speaking](#) at Development Control Committee. The practical arrangements on the day remain at the discretion of the Chairman of the meeting whose decision on arrangements is final.

**20. SUBSTITUTIONS**

20.1 **Substitutes for Council Committees shall be as follows:-**

COMMITTEE	SUBSTITUTES
Development Control A and B	Any member from the same political group, providing the substitute has undertaken the requisite planning training.
Planning Referrals	None.
Licensing and Regulatory	None
Licensing and Regulatory Sub Committee	None
Joint Audit and Standards	Any Member from the same political group and Council, except members of the Cabinet.
Overview and Scrutiny	Any Member from the same political group, except members of the Cabinet.
Joint Appointments	Any Member from the same political group and Council.

20.2 The Monitoring Officer shall determine whether any Councillor has undertaken the requisite training.

20.3 No member of the Cabinet shall chair any Council committee.

**20.4 Powers and Duties**

Substitute members will have all the powers and duties of any ordinary member of the Committee/Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

**20.5 Substitution**

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member;
- (b) or where the ordinary member will be absent for the whole of the meeting;
- (c) and after the Chief Executive has been notified by 1.00 p.m. on the previous working day before the commencement of the meeting of a named substitute Councillor that will attend in the place of an ordinary member.

20.6 Members of the Cabinet cannot be substitute members for Overview and Scrutiny Committee, Joint Overview and Scrutiny and Joint Audit and Standards Committee,

20.7 No Councillor may be involved in scrutinising a decision in which he or she has been directly involved. Councillors acting as substitute members on the Overview and Scrutiny Committee should not take part in any business being considered by the Overview and Scrutiny Committee in circumstances where the substitute member has been directly involved in determining the issue under scrutiny.

20.8 Substitutes for Development Control Committee must undertake requisite training before participating in any meeting to the same extent required of a member of the Committee. The Monitoring Officer shall determine whether the Councillor has undertaken the requisite training.

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**21. COUNCILLOR ATTENDING / SPEAKING AT A COMMITTEE WHERE NOT A MEMBER OF THE COMMITTEE**

21.1 A Councillor not serving on a particular Committee may request permission from the Chairman to attend in respect of a matter to be considered at the meeting. At the meeting of the Committee the Councillor shall have the opportunity to speak on the relevant matter, but may not put any motions or amendments, nor vote on the matter.