FSECTION 4 – COMMITTEE PROCEDURE RULES

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Annex A - Rules of debate diagram

1. CONSTITUTION OF COMMITTEES AND APPOINTMENT OF COUNCILLORS

1.1 At the Annual Meeting, the Council will:

(i) decide which Committees to establish for the Municipal Year;

(ii) decide the size and Terms of Reference of those Committees;

(iii) decide the allocation of seats to political groups in accordance with the political balance rules;

(iv) receive nominations of Councillors to serve on each Committee, Steering Group or other body; and

(v) appoint to those Committees except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

1.2 Full Council may at any time dissolve a Committee or remove any of its Members or change the size of its membership.

1.3 On a vacancy arising in a Committee or Sub-Committee the Head of Democratic & Registration Services will take all necessary steps to enable the vacancy to be filled.

1.4 The proceedings of a Committee or Sub-Committee will not be invalidated by reason of any vacancy amongst its Members.

1.5 Where appointment to a particular Committee or Sub-Committee requires training, Members will be required to undertake the necessary training programme or activity.

2. APPOINTMENT OF SUB-COMMITTEES

2.1 Committees appointed by Council may appoint Sub-Committees for purposes to be specified by the Committee.

3. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

3.1 The Chairman and Vice-Chairman of every Committee and Sub-Committee will be elected at the first meeting of the Committee or Sub-Committee after the Annual Council Meeting.

3.2 In the absence of the Chairman and Vice-Chairman from a meeting, a Chairman for that meeting will be elected from the membership of those present. The person presiding at the meeting may exercise any power or duty of the Chairman.

4. ORDINARY MEETINGS

4.1 Ordinary meetings of Committees and Sub-Committees will take place in accordance with a programme decided at the Council's Annual Meeting, or at an earlier meeting of the Council prior to the scheduled Annual Meeting, or as subsequently agreed by the Committee or Sub-Committee. Ordinary meetings will:

(i) elect a person to preside if the Chairman and the Vice-Chairman are not present;

(ii) receive any announcements from the Chairman;

(iii) receive any declarations of interest from Members, either at the beginning of the meeting or as soon as the interest becomes apparent;

(iv) approve the minutes of the last meeting;

(v) receive any Items of business that the Chairman decides are urgent, pursuant to Section 100B(4)(b) of the Local Government Act 1972;

(vi) consider any other business specified in the agenda.

5. SPECIAL MEETINGS

5.1 Those listed below may request the Director of Resources, or the Head of Democratic & Registration Services in his or her absence, to call Committee and Sub-Committee meetings in addition to ordinary meetings:

(i) the Committee or Sub-Committee by resolution

(ii) the Chairman

(iii) the Chief Executive

(iv) one quarter of the whole number of Members of the Committee or Sub-Committee, rounded up to the nearest whole number, but in no case fewer than three Members.

5.2 Only business specified in the agenda may be transacted at a special meeting.

6. TIME AND PLACE OF ORDINARY MEETINGS

6.1 The time and place of Committee or Sub-Committee meetings will be determined by the Chief Executive and notified in the Summons.

7. NOTICE OF, AND SUMMONS TO, MEETINGS

7.1 The Director of Resources, or the Head of Democratic & Registration Services in his or her absence, will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, an electronic and paper copy agenda will be sent to every Member of the Committee or Sub-Committee or left at their usual place of residence. The agenda will be the summons to the meeting and will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8. CANCELLING MEETINGS

8.1 The Director of Resources or the Head of Democratic & Registration Services in his or her absence, after consultation with the Chairman of the relevant Committee or Sub-Committee, (or in his or her absence the Vice-Chairman), shall be authorised to cancel an ordinary meeting where the agenda has not been issued, where there is insufficient business.

8.2 The Chief Executive, or Deputy Chief Executive, in his or her absence may cancel a Committee or Sub-Committee meeting where the agenda has been issued if it is considered expedient to do so, after consulting the Chairman of the relevant

Committee or Sub-Committee (or in his or her absence the Vice-Chairman). Any outstanding business will be held over to the next meeting.

9. QUORUM

9.1 No business shall be conducted at a meeting unless a quorum of Members is present. The quorum of a Committee or Sub-Committee shall be a quarter of the voting membership, all figures to be rounded up to the nearest whole number, provided that at least three of the voting Members are present.

9.2 If a quorum is not present fifteen minutes after the time at which the meeting should have commenced it will not take place and the Chairman will ask the Head of Democratic & Registration Services to fix another time and date for the meeting and issue a fresh summons accordingly. The names of the Members present shall be recorded in the Minute Book with a statement of the reason for the meeting not being held.

9.3 If a meeting becomes inquorate after it has commenced no further business will be transacted and the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. APPOINTMENT OF SUBSTITUTE MEMBERS

10.1 Substitute Members - Committees

In addition to appointing Members to serve on Committees, the Council may also, in accordance with the procedures set out in Rule 10.3 and Rule 10.4, appoint on the nomination of a political group represented on the Council a number of Councillors up to the maximum as shown in the table below, to act as substitutes for Members of their Group appointed to Committees.

Size of Political Group	Maximum Number of Substitutes
Fewer than 11	3
11-17	4
18 or more	5

10.2 Substitute Members – Sub-Committees

In addition to appointing Members to serve on Sub-Committees, Committees may also appoint, on the nomination of any of the political groups represented on the Council, up to three Councillors to act as substitutes for Members of their Group appointed to Sub-Committees, also in accordance with the procedures set out in Rule 10.3 and Rule 10.4.

10.3 Conditions for substitution

A substitute Councillor may attend a meeting as substitute for a Member if the following conditions are satisfied:

(i) the Member asks the eligible Councillor to attend as a substitute and the eligible Councillor agrees; and

(ii) at least two hours before the start of the meeting, and during normal office hours, the Member gives notice to the appropriate Democratic Services Officer, orally, or in writing, that the eligible Councillor (naming him or her) has agreed to attend as substitute Member; or

(iii) at least two hours before the start of the meeting, and during normal office hours, the substitute gives notice to the appropriate Democratic Services Officer, orally, or in writing, that he or she will be substituting for a particular Councillor (naming him or her); **and**

(iv) the proposed Councillor attends the meeting and confirms to the appropriate Democratic Services Officer that he or she attends as substitute for the Member.

10.4 **Status of substituted Member**

(i) On notifying the Democratic Services Officer that a substitution will be made, the original Member shall immediately, and irrevocably, cease to be a Member of that Committee or Sub-Committee until the conclusion of the meeting and any adjournment of it and the substitute shall be a full Member for the same period.

(ii) Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

10.5 The appropriate Democratic Services Officer shall, at the commencement of any meeting, report any Substitution Notice(s) stating the name(s) of Member(s) attending as substitutes, together with the names of the Members they have replaced. These shall be recorded in the minutes of the meeting.

10.6 Where acting as a substitute for a particular Committee or Sub-Committee requires training, Members will have undergone the necessary training or activity.

10.7 Substitutes are not permitted in respect of the Licensing and Safety Committee and the Planning Committee.

11. ATTENDANCE OF NON-MEMBERS

11.1 Members of the Council may attend meetings of Committees and Sub-Committees of which they are not Members provided that:

(i) the visiting Member shall only address the Committee or Sub-Committee with the consent of the Chairman

(ii) the visiting Member shall not have the right to vote

(iii) the Committee or Sub-Committee may determine by resolution that the visiting Member should withdraw from the meeting.

11.2 A visiting Member may, with the consent of the Chairman move a motion or an amendment to a motion which must then be seconded by a Member of the relevant Committee or Sub-Committee for it to be discussed. Then the normal rules of debate will apply.

11.3 A visiting Member shall not second a motion or amendment.

11.4 Executive Members can only attend a meeting of the Overview and Scrutiny Commission or one of its panels if they have been invited to attend. This is to ensure compliance with section 21 (13) of the Local Government Act 2000.

12. PUBLIC PARTICIPATION, RECORDING AND FILMING OF MEETINGS AND USE OF SOCIAL MEDIA

12.1 The Overview and Scrutiny Commission, the Licensing and Safety Committee, the Planning Committee, the Health and Wellbeing Board and the Appeals Committee may make arrangements for public speaking at their meetings and meetings of their Sub-Committees and Panels.

12.2 Members of the public may record the proceedings of Committee meetings in accordance with the Protocol for Photography, Audio/Visual Recording and Use of Social Media at Council and Committee Meetings. (Annexed to the Council Procedure Rules)

13. REQUIREMENT TO ATTEND FOR ENTIRE ITEM

13.1 No Member will be entitled to take part or vote on any item for decision unless the Member has been present for the entire item.

14. CONDUCT OF DEBATE

14.1 Members must comply with the Council's Code of Conduct and the law in relation to declarations of interest in respect of items under discussion. Declarations of interest should be made at the beginning of the meeting or as soon as the interest becomes apparent.

14.2 When a Member speaks at a Committee or Sub-Committee meeting, he or she may remain seated and should address the meeting through the Chairman.

14.3 Speeches must be directed to the motion under debate or to a personal explanation or point of order.

14.4 When the Chairman stands during a debate, any Member speaking at the time must stop and the meeting must be silent.

14.5 If a Member persistently disregards the ruling of the Chairman by behaving improperly, offensively or deliberately obstructing business, the Chairman may move that the Member is silenced for that item. If seconded, this will be voted on without discussion.

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

15. ROLE OF THE CHAIRMAN

15.1 The Chairman will manage the business of the meeting. He or she shall try to ensure all points of view are heard, but balance this obligation with the need to ensure

business is dealt with in a timely manner. The Chairman may limit the number of speakers in any debate at his/her full discretion. The Chairman's decisions on who is to speak and how the debate is to be conducted are final.

15.2 The order of business may be varied at the meeting at the discretion of the Chairman.

16. RULES OF DEBATE

16.1 A simplified diagram showing how decisions might be reached is annexed to these Rules.

16.2 Each item will be introduced by the Chairman. The Director or his/her representative may be asked to briefly present the report and respond to Members' questions.

16.3 Each item must be moved and seconded before it is debated further. The person moving the item may speak for a maximum of five minutes. Other speeches should not exceed three minutes without the consent of the Chairman.

16.4 The seconder may choose to speak later in the debate.

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

16.6 A Member who has spoken on a motion may only speak again whilst it is the subject of debate:

(i) to speak once on an amendment moved by another Member;

(ii) to move a further amendment if the motion has been amended since he or she last spoke;

(iii) if his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);

(iv) in exercise of a right of reply;

(v) on a point of order; and

(vi) by way of personal explanation.

16.7 **Amendments to motions**

(i) An amendment must be relevant to the motion and will either be:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and insert or add others; or

(d) to insert or add words.

as long as the effect of (b) to (d) is not to negate the motion.

(ii) Only one amendment may be moved and discussed at any one time and no further amendment may be moved until the amendment under discussion has been disposed of, provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Committee's business.

(iii) If an amendment is not carried, other amendments to the original motion may be moved.

(iv) 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.

(v) After an amendment has been carried, the Chairman will read out the substantive motion before accepting any further amendments, or if there are none, debate continues on the substantive motion.

16.8 **Alteration of motion**

(i) A Member may alter a motion which he or she has moved without notice with the consent of the seconder.

(ii) Only alterations which could be made as an amendment may be made.

16.9 **Withdrawal of motion**

A Member may withdraw a motion or amendment which he or she has moved with the consent of the seconder. No Member may speak on the motion or amendment after the mover has asked permission of the seconder to withdraw it unless permission is refused.

16.10 **Right of reply**

(i) The mover of a motion has a right to reply to the points raised at the end of the debate on the motion, immediately before it is put to the vote.

(ii) If an amendment is moved, the mover of the original motion has the right of reply to the points raised at the close of the debate on the amendment, but may not otherwise speak on it.

(iii) The mover of the amendment has no right of reply to the debate on his or her amendment.

16.11 **Procedural motions which may be moved during debate**

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

(i) to withdraw the motion;

(ii) to amend the motion;

(iii) to proceed to the next business;

(iv) that the motion be put;

(v) to adjourn the debate;

(vi) to adjourn the meeting;

(vii) to exclude the public and press in accordance with the Access to Information Procedural Rules; and

(viii) to not hear further a Member named under Rule 14.5 or to exclude him or her from the meeting under Rule 14.6.

16.12 **Closure motions**

(i) A Member may move, without comment, the following motions at the end of a speech of another Member:

(a) to proceed to the next business;

(b) that the motion be put;

(c) to adjourn the debate; or

(d) to adjourn the meeting.

(ii) If a motion to proceed to the next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(iii) If a motion that the motion be put is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed, he or she will give the mover of the original motion a right of reply before putting his or her motion to the vote.

(iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

16.13 **Points of order**

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules, or the law. The Member must indicate the Rule or law and the way in which he or she considers it has been broken. The ruling of the Chairman on the matter will be final.

16.14 **Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may

appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

17. PREVIOUS DECISIONS AND MOTIONS

17.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of the Committee or Sub-Committee within the past six months cannot be moved unless information which was not available when the resolution was passed is placed before the Committee or Sub-Committee.

17.2 Motion similar to one previously rejected

(i) A motion or amendment in similar terms to one that has been rejected at a meeting of the Committee or Sub-Committee in the past six months cannot be moved unless information which was not available when the motion or amendment was rejected is placed before the Committee or Sub-Committee.

(ii) Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. VOTING

18.1 Majority

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the motion was put. The Chairman shall ascertain the numbers voting for and against, and his or her declaration of the result shall be conclusive.

18.2 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.

18.3 Show of hands

Unless a recorded vote is demanded under Rule 18.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 Recorded vote

(i) If, before the vote is taken, a Member of the Committee or Sub-Committee present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

(ii) A recorded vote shall not be taken where the Committee or Sub-Committee is voting on appointments.

18.5 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.6 **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.

19. REFERENCE TO COUNCIL

19.1 Subject to the provision in Rule 19.3 below, immediately following a vote on a decision taken by a Committee or Sub-Committee under delegated powers, one quarter of the Members of the Committee or Sub-Committee present and voting at the meeting may require that the decision be submitted to the Council as a recommendation. All figures to be rounded up to the nearest whole number.

19.2 Where a reference has been made pursuant to the provision in Rule 19.1 above, the decision shall not be implemented before consideration of that recommendation by the Council.

19.3 The provisions in Rule 19.1 shall not apply to the Licensing and Safety Committee, the Planning Committee and the Appeals Committee, or any Sub-Committee appointed by those Committees.

20. MINUTES

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

20.2 There is no requirement for the minutes to be agreed at the next meeting if it is a special meeting. The minute can be held over for agreement to the next ordinary meeting instead.

21. RECORD OF ATTENDANCE

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

22. EXCLUSION OF THE PRESS AND PUBLIC

22.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 Section 4 of this Constitution or Rule 23 (Disturbance of meetings).

23. DISTURBANCE OF MEETINGS

23.1 **General disturbance**

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

23.2 **Removal of member of the public**

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

23.3 **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.

24. SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES

24.1 **Suspension**

All of these Committee Procedure Rules, except Rule 18.5 and 20.2, may be suspended if at least one half of the whole number of Members of the Committee or Sub-Committee are present, all figures to be rounded up to the nearest whole number. Suspension may be for the consideration of a particular item of business or for the duration of that meeting.

24.2 **Amendment**

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

25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

25.1 The Committee Procedure Rules apply to all Committee, Sub-Committee, Panels and advisory meetings, including meetings of Overview and Scrutiny except where their own procedure rules differ from these general procedure rules, in which case their own procedure rules take precedence.

25.2 Committee Procedure Rules 16, 17 and 18 do not apply to meetings of the Licensing and Safety Committee and its Sub-Committees, or Appeals Committee meetings when a hearing is being conducted.

26. INTERPRETATION OF RULES

26.1 The ruling of the Chairman of the Committee or Sub-Committee as to the application of these Procedure Rules shall be final and shall not be challenged.

27. NOTICE

27.1 For the purposes of these Committee Procedure Rules, notice sent by email or fax shall be deemed to constitute notice in writing.

28. DISCLOSABLE PECUNIARY INTERESTS

28.1 Any Member with a Disclosable Pecuniary Interest in any matter to be (or being) considered at a meeting of a Committee or sub-Committee of the Council or a joint Committee shall:-

(i) if the interest is not entered on the Council's register of interests, disclose the interest to the meeting (unless the interest is a Sensitive Interest in which case the Member shall simply advise the meeting that they have a Disclosable Pecuniary Interest),

(ii) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification, notify the Monitoring Officer of the interest within 28 days,

(iii) unless the Member has been granted a dispensation by the Council, not participate in discussion or vote on the matter, and

(iv) unless the Member has been granted a dispensation by the Council, withdraw from the meeting (after disclosing the interest if required by the preceding provisions or disclosing to the Democratic Services Officer in attendance that they are withdrawing from the meeting because of a Disclosable Pecuniary Interest if they are not so required).

"Disclosable Pecuniary Interest" and "Sensitive Interest" shall each have the meaning as set out in the Code of Conduct".