

Part 4

Section 2

Procedure Rules which relate to Committees only

1. **Setting up the committees**

- 1.1 Committees will be set up in line with sections 15, 16 and 17 of the Local Government and Housing Act 1989. The Council shall decide how many Councillors a Committee can have, and who can become a member of a Committee provided that no member of the Executive will be allowed to be a member of Overview and Scrutiny Committee or its Sub Committees.
- 1.2 No Councillor may be appointed to serve on any Committee or Sub Committee on any terms which would mean that their appointment would last beyond the next annual meeting of the Council.
- 1.3 The Council may at any time dissolve or alter the membership of any Committee.
- 1.4 A Committee may at any time dissolve or alter the membership of any Sub Committee of the Committee. If a Committee is dissolved then any Sub Committees it appoints will also be dissolved.
- 1.5 The Licensing and Regulatory Committee shall sit either as the Council's Licensing Committee appointed under the Licensing Act 2003 or as the Licensing and Regulatory Committee. Meetings may be arranged to take place consecutively.
- 1.6 The Committees and Sub Committees shall exercise such powers, duties and Functions as the Council, or, in the case of a Sub Committee, the Council or the Committee by which the Sub Committee were appointed, may from time to time assign to them.

2. **Appointment of chairman**

- 2.1 The first items of business to be carried out at the first meeting of a Committee in a municipal year will be as follows:
 - (a) the election of a Chairman of the Committee for the remainder of the municipal year;
 - (b) the election of a Vice Chairman of the Committee for the remainder of the municipal year; and
 - (c) to appoint such Sub Committees, if any, as the Committee may decide to appoint for that municipal year.
- 2.2 If there is an equality of votes cast for two candidates to be Chairman then no person shall be considered to have been elected and the meeting shall stand adjourned for 10 minutes to give a period of reflection. At the end of

the adjournment the election shall take place again. If this does not result in a successful election of a chairman the Committee may seek to elect someone to chair the meeting for one meeting only. If this happens then items 2.1 (a) and (b) shall be deferred to the next meeting.

- 2.3 In the absence of the Chairman from a meeting of a Committee or Sub Committee, the Vice Chairman shall preside and in the absence of both the Chairman and the Vice Chairman, a Chairman for that particular occasion shall be elected. The person elected will preside for the remainder of the meeting. If the Chairman or Vice Chairman enters a meeting the Chairman or Vice Chairman as the case may be shall take over from that person for the remainder of the meeting.

3. **Convening meetings**

- 3.1 The Monitoring Officer must convene any Committee or Sub Committee if asked to do so by:

- its Chairman;
- enough members of the Committee to make a quorum;
- Chief Executive.

- 3.2 The Monitoring Officer may also convene a meeting if he or she thinks it is desirable to do so.

4. **At the meeting**

Quorum

- 4.1 The quorum of each Committee or Sub Committee shall be four where its total membership exceeds seven and shall be two in all other cases.
- 4.2 No item of business shall be discussed at a meeting unless the meeting is being chaired.
- 4.3 No item of business may be considered at a meeting unless it is on the agenda for that meeting or the person chairing the meeting accepts it as urgent business. If business is accepted as urgent then that fact and the reasons for the urgency shall be set out in the Minutes.
- 4.4 In the case of an equality of votes on any item coming before the committee the person chairing the meeting has a second or casting vote.

- 4.5 Committees and Sub Committees may from time to time adopt their own procedures allowing members of the public to speak at meetings of committees. Any such procedure must comply with the rules of fairness and natural justice.
- 4.6 The Chairman of a meeting shall give every member of the Committee a reasonable opportunity to speak on any item before the Committee.
- 4.7 The Chairman shall control the meeting and may in particular:
- (a) require a Councillor to restrict their speech to the matter under debate;
 - (b) stop a Councillor from speaking if the Chairman considers that their speech is irrelevant or is excessively long;
 - (c) not allow a proposal or an amendment to be debated unless it has been seconded;
 - (d) if the Chairman considers that the nature of the business to be discussed means that some or all of these rules of procedure ought to be invoked then the Chairman may do so.
- 4.8 Any member of a Committee may move that a debate should be conducted as a standard debate. Such a Motion shall, if seconded, be put to a vote immediately. If this is passed then the rules of procedure shall apply to the debate of that item as they apply to a standard debate at a meeting of the full council.

5. **Substitutes**

- 5.1 Where a member of any Committee (apart from the Executive, Area Committees and Licensing and Regulatory Committee) is unable to attend a Committee meeting he or she may arrange for a substitute to attend. The substitute must be on a list for that Committee which has been prepared by his or her party group leader and approved by the Council.
- 5.2 In the case of the Audit & Governance Committee only one member of the Executive may be on the Committee at any time. Therefore a member of the Executive cannot be a substitute at an Audit and Governance Committee meeting if there is already a member of the Executive on the committee for that meeting.
- 5.3 Any Councillor as a substitute must notify the relevant committee clerk prior to the commencement of the meeting.

- 5.4 The substitution, indicating which Councillor is being substituted and by whom, will be recorded in the register of substitutes.
- 5.5 In the event of the substituted Councillor arriving after the commencement of the meeting, he/she will be eligible to attend as an observer in the public gallery and may take no part in the debate or voting at the meeting. Such Councillors will be able to remain for the whole of the meeting, including the closed session.

6. **Co-options**

- 6.1 Whenever any Committee or Sub Committee wishes to co-opt a member they must invite applications from the public by a notice setting out the qualities, knowledge and experience they are looking for in making a co-option.
- 6.2 There shall be a selection process involving an interview.
- 6.3 Interviews will be with the body making the appointment or a Sub Committee formed for the purpose, but if a Sub Committee is formed for the purpose the appointment must be confirmed by the body making the appointment.

7. **Attendance at Committee meetings by Councillors who are not members of that Committee**

- 7.1 This rule governs when Councillors may attend Committee meetings when that Councillor is not a member of that Committee. It has to be read subject to the law, any Code of Conduct which applies to the Council and any matters adopted by the Audit and Governance Committee which may make it unlawful, maladministration or unwise for any particular Councillor to speak on any particular item.

Planning and Development Committee

- 7.2 This rule applies to:
- (a) Councillors who are not members of the Planning and Development Committee; and
 - (b) members of the Planning and Development Committee who have withdrawn from the Committee to sit in the public gallery for that application, because that councillor wishes to speak as the ward member on behalf of his or her constituents. It does not affect the rights of other Councillors.

- 7.3 Councillors to whom this Rule applies may attend meetings of the Planning and Development Committee and speak but not vote on any matter relating to land within or immediately adjacent to or otherwise significantly affecting their ward.
- 7.4 Any Councillor attending under this Rule may make one speech of up to 7 minutes in length but may not otherwise speak, unless the Chair agrees otherwise. At the start of the speech the Councillor must make it clear that he or she is speaking in their capacity as interested ward Councillor and not as a Councillor of the Planning and Development Committee. That Councillor must withdraw from the meeting after speaking.
- 7.5 If two or more Councillors attending under this Rule wish to speak on the same item, they may remain in the room until all of them have spoken but they must all then withdraw from the room prior to the discussion and voting on that item.
8. **Committee Chairmen attending at meetings of the Executive**
- 8.1 A Chairman of a Committee may, if not a member of the Executive, attend and speak, but not vote at, a meeting of the Executive on any matter relating to the work of their Committee. Committee Chairmen may not otherwise speak unless the Chairman of the meeting agrees otherwise.
9. **Committee Chairmen attending at Sub Committee meetings**
- 9.1 Where a Committee has appointed a Sub Committee and the Chairman of the parent Committee is not a member of the Sub Committee then the Chairman may attend and speak but not vote at any meeting of that Sub Committee.
10. **Chairmen of Sub Committees speaking at the meeting of the appointing parent Committee**
- 10.1 The Chairman of a Sub Committee who is not a member of the appointing parent Committee may attend and speak at, but not vote at any meeting of the appointing Committee but any person so attending shall, unless the Chairman of the meeting agrees otherwise, speak only on an item of business relating to a matter within the terms of reference of the Sub Committee in question.
11. **All Other Cases**
- 11.1 Subject to the Code of Conduct for Councillors, any Councillor may attend any meeting of any Committee or Sub Committee including any parts of

the meeting which are not open to the press and public. If a Councillor is not a member of the Committee or Sub Committee then he or she may not vote and, without the permission of the Chairman, may not speak.