

PART II – MEETINGS AND PROCEEDINGS OF COMMITTEES

29. APPLICATION OF COUNCIL PROCEDURE RULES TO COMMITTEES

The Council Procedure Rules will apply to Committees where indicated with any necessary modifications. For the purposes of interpretation of the Council Procedure Rules as they apply to Committees references to the “Mayor” shall be references to the Chair of the Committee and references to the “Deputy Mayor” shall be references to the Vice-Chair of the Committee.

30. MEMBERSHIP OF COMMITTEES

The Annual meeting of the Council will set the membership of its Committees for the Council year (although membership may change during the Council year – Council Procedure Rule 2.1). The allocation of seats on Committees to Political Groups will reflect the legal requirement for proportionality.

31. SUBSTITUTIONS

The following rules will apply to substitutions:

- The number of substitutions shall be equal to the number of absentees from each Political Group.
- Substitution will apply to all Committees, with the exception of the Standards Committee, but in respect of the Planning and Licensing Committees substitutes must have received the appropriate training.
- Substitutes will have all powers of Committee Members and substitution should last for the duration of the meeting only.
- Members of the Executive will not be permitted to act as substitute for Members of the Overview and Scrutiny Committee.
- Members acting as substitutes will have to be Members of the same Political Group as the Member for whom they are substituting.
- The Political Group Leader will notify Democratic Services of the substitution one hour in advance of the meeting.
- Substitutions will be announced at the beginning of the meeting.
- The Member of the Committee for whom substitution has been made will not be able to vote if attending the meeting.
- All Agenda will contain a note on the Council’s practice in respect of substitutions.

32. CHAIR AND VICE-CHAIR

The first item of business at the first meeting of each Committee is the election of a Chair and Vice-Chair with the exception of the Executive Committee. If the Chair of the Committee is absent from a Committee meeting the Vice-Chair shall chair the meeting. In the absence of the Chair and Vice-Chair from a meeting, a Chair for that meeting shall be elected.

In the event of an equal number of votes being cast for two or more candidates, the appointment shall be decided by the person presiding drawing a name.

A Member who is not a Member of a Committee will not be eligible to be elected as Chair or to vote in the election of a Chair.

32.1 Chair Taking Part in Debate

The Chair will not normally take part in debate at a Committee meeting.

The Chair may speak in debate if:

- (a) he/she is a local Councillor; or
- (b) he/she is the only Councillor present from a political group recognised by the Council.

Note: A Chair would be expected, if wishing to take part in a debate, to relinquish the Chair in favour of the Vice-Chair for the duration of that debate.

32.2 Casting Vote

The Chair is entitled to vote a second time in order to obtain a decision from an equality of voting "for" and "against". If the Chair did not vote originally, he/she is entitled to a casting vote to decide the matter.

If the Chair decides not to exercise a casting vote, and the voting remains equal, the Motion is not carried and deemed to have been lost.

33. CHAIR – CONDUCT OF MEETING

The Chair is responsible for conducting the meeting.

34. POWERS OR DUTIES OF CHAIR

Council Procedure Rule 8 applies.

35. OFFICER SUPPORT

In carrying out his/her duties the Chair is entitled to call upon the help of the Executive Director: Resources and S151 and other Officers present at the meeting.

36. CASUAL VACANCIES

A vacancy on a Committee arises when a Councillor:

- (a) ceases membership of the Committee, in accordance with Council Procedure Rule 2.1; or
- (b) fails to attend consecutive meetings of a Committee for a period of six months in which case he/she automatically ceases to be a member of that Committee.

The Rule at (b) will not apply if the Committee is satisfied that there is a genuine reason for the absence.

Vacancies which occur on Committees will be filled on behalf of the Council by the Executive Director: Resources and S151, using delegated powers granted under Rule 2.1 to appoint Councillors and substitutes to seats allocated to Political Groups in accordance with the wishes of those Groups. The filling of vacancies will be reported by the Executive Director: Resources and S151 to the next meeting of the Council.

37. DATES, TIMES AND LOCATIONS OF MEETINGS

Council Procedure Rules 1.1 and 5 apply.

Meetings will be held at venues and times to be decided by the Council or Committee.

38. SPECIAL MEETINGS

A Special meeting of a Committee is one which is not scheduled by the Council or by the Committee itself. A Special meeting may be called by the Chair at any time. A Special meeting may be requisitioned by at least five Members of the Committee signing a notice to the Executive Director: Resources and S151, setting out the business of the meeting and, if appropriate, the timescale in which the meeting is to be held.

The Executive Director: Resources and S151 will call the meeting as soon as reasonably practicable.

The Executive Director: Resources and S151 may also convene a Special meeting in consultation with the Chair of the Committee.

39. DURATION OF MEETINGS

Council Procedure Rule 11 applies.

40. QUORUM

A meeting of a Committee, except as provided below, cannot take place unless at least five of its Members who have voting rights are present. If there is no quorum the Chair must adjourn the meeting.

A meeting of the Overview and Scrutiny Committee is subject to the above quorum of five except when undertaking a scrutiny review, in which case a quorum of three Members is required. (See Scrutiny Procedure Rules – Part 4, Section 4.)

Where the membership of a Committee consists of no more than seven Members a meeting of that Committee, unless otherwise provided in this Procedure Rule, cannot take place unless three of its Members who have voting rights are present. If there is no quorum the Chair must adjourn the meeting.

41. APPOINTMENT OF WORKING GROUPS, BOARDS, REFERENCE GROUPS, MANAGEMENT GROUPS AND PANELS

A Committee may appoint Task and Finish Working Groups, Boards, Reference Groups, Management Groups or Panels, and draw up their Terms of Reference, to assist in examining detailed issues within the Terms of Reference of that Committee.

Rules for Working Groups, Boards, Reference Groups, Management Groups or Panels are set out in Part III of these Rules of Procedure.

Any resignations will be filled on behalf of the Council by the Executive Director: Resources and S151, using delegated powers granted under Rule 2.1 to appoint Councillors and substitutes to seats allocated to Political Groups in accordance with the wishes of those Groups. The filling of vacancies will be reported by the Executive Director: Resources and S151 to the next meeting of the Committee.

42. PLANNING COMMITTEE SITE VISIT

The Planning Committee will meet, when required, to carry out site visits for applications in accordance with the Protocol for Councillors and Officers involved in the Planning Process, as appended at Part 5 of this Constitution.

43. AGENDA

The items to be considered at a meeting will be set down on the Agenda. The Agenda will be prepared by the Executive Director: Resources and S151 and will be sent to every Member of the Committee at least five clear working days before the meeting together with a copy of the Minutes of the last meeting of the Committee unless the Minutes have been previously circulated.

The Agenda content and order of business at a meeting of a Committee will be as follows:

- to elect a Chair if the Chair and Vice-Chair are absent;
- to receive any apologies for absence and notice of any substitutions;
- to receive any declarations of interest from Councillors in relation to items on the Agenda;
- to approve the Minutes of previous meetings of the Committee;
- to deal with items from the public;
- to deal with items from Councillors referred by the Council;
- to deal with matters referred by the Council or other Committees including the Overview and Scrutiny Committee;
- to consider any business set out in the Notice convening the meeting;
- any other business which the Chair has accepted as urgent; and
- exempt Minutes and Reports.

The order of business may be varied at the discretion of the Chair by the Chair or at the wish of the meeting itself.

44. REGISTER OF ATTENDANCE

Council Procedure Rule 7 applies.

45. URGENT BUSINESS

Council Procedure Rule 26 applies.

46. URGENCY PROCEDURE

Council Procedure Rule 27 applies.

47. COUNCILLORS ATTENDING COMMITTEES

Council Procedure Rules 13 and 14 apply.

A Councillor who is not a Member of the Committee may speak at a meeting of the Committee (but not vote, move or second Motions):

1. during the consideration of any item or Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14;
2. with the agreement of the Chair of the meeting; or
3. during the consideration of any matter specifically affecting that Councillor's Ward subject to the provisions of the Scheme for Public Participation at Planning Committee in respect of the Planning Committee.

48. REPORTS OF OUTSIDE BODIES

Council Procedure Rule 16 applies.

Overview and Scrutiny representatives will report back to the Overview and Scrutiny Committee in accordance with Scrutiny Procedure Rule 9.

49. MATTERS REFERRED BY COUNCIL OR OTHER COMMITTEES

Committees will receive reports on matters referred by Council or other Committees.

When this happens, the Executive Director: Resources and S151 include the matter on the Agenda for the next available meeting of the receiving body. If it is not possible for comprehensive Officer advice to be included in the report to the meeting, the matter may be deferred at the meeting until the subsequent meeting. The Executive Director: Resources and S151 will then ensure the submission of a comprehensive report to that meeting. He/she will ensure that the referring body is advised of the outcome.

A Committee may refer a matter to another Committee or Working Group for consideration.

50. EXCLUSION OF THE PUBLIC

Council Procedure Rule 19 applies.

51. SUSPENSION OF RULES OF PROCEDURE

Council Procedure Rule 25 applies.

52. PHOTOGRAPHY AND AUDIO RECORDING OF MEETINGS

Council Procedure Rule 24 applies.

53. PUBLICATION OF DECISIONS

When a decision is made by the Executive Committee, the decision shall be published by electronic means and shall be available at the main offices of the Council normally within three working days of the decision being made. Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the Executive Director: Resources and S151. The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the call-in procedure is invoked.

When a decision is made by the Planning Committee, the decisions shall be published by electronic means normally within three working days of the decision being made.

When a decision is made by one of the Licensing Sub-Committees, the decisions shall be published by electronic means normally within three working days of the decision being made.

54. MINUTES

Council Procedure Rule 20 applies.

55. SIX MONTH RULE

Council Procedure Rule 21 applies.

56. ITEMS FROM THE PUBLIC

(See also Part IV - Scheme for Public Participation at Council and Other Meetings and Scheme for Public Participation at Planning Committee.)

The following Rules of Procedure explain how items referred from the meeting of the Council in accordance with Council Procedure Rule 12, or presented directly to the appropriate Committee are dealt with at Meetings.

56.1 Petitions

The Council has a Petitions Scheme and petitions will be considered in accordance with that Scheme.

56.2 Action by the Committee

The meeting may either ask an Officer to report on the matter at this or a future meeting or, if the matter relates to an item already on the Agenda for the meeting, defer consideration of the petition until that item is reached.

56.3 Statements and Deputations

The person giving notice will be invited to address the meeting for no more than five minutes.

Councillors may ask questions of the presenter of the statement or the deputation to clarify points made or to establish facts.

56.4 Action by Committee

The meeting may (1) ask Officers to report to the next, or next following, meeting on the issues raised in the submission; or (2) agree to note the submission; or (3) if it relates to a matter on the meeting's Agenda, to defer consideration until that item is reached.

56.5 Questions

The Chair will invite the person giving notice of the question to ask the question of the relevant Councillor.

The Councillor may:

- answer the question;
- ask an Officer to answer it;
- say that a written answer will be provided within five working days; or
- decline to answer the question and may give reasons.

56.6 Time Limit

No more than 30 minutes (or such longer time at the Chair's discretion) will be allowed in total at a Committee meeting to deal with items from the public.

57. ITEMS FROM COUNCILLORS

The following Council Procedure Rules explain how items from Councillors referred from Council Meetings in accordance with Council Rules of Procedure 13 and 14 are dealt with at Meetings.

57.1 Petitions

The Chair will invite each Councillor giving notice to present the petition and to speak to it. (N.B: the Councillor can speak to it but can only vote on it if they are a Member of the Committee).

The meeting may call for a report from Officers on the petition. If the matter raised is about an item on the meeting's Agenda, the meeting may defer its consideration until that item is reached.

57.2 Motions

The Chair will invite each Councillor giving notice to present the Motion and to speak to it.

The meeting may call for a report from Officers on the Motion. If the matter raised is about an item on the meeting's Agenda, the meeting may defer its consideration until that item is reached.

57.3 Action required by Council

The meeting will be told whether the Council has asked the Committee to decide the matter or to make a recommendation to the Council.

58. RULES OF DEBATE

Council Procedure Rule 17 applies. However, the Chair and/or the meeting may decide to relax the general Rules relating to speaking only once in debate, or the time limit, if this is conducive to the conduct of the Committee's business.

59. MOTIONS AND AMENDMENTS

Council Procedure Rule 17 applies.

60. PROCEDURAL MOTIONS WITHOUT NOTICE

Council Procedure Rule 15 applies other than 15(d) in respect of referral back to a Committee (e), (f) and (g).

61. VOTING

Council Procedure Rule 18 applies.

62. MATTERS REFERRED TO COUNCIL BY COMMITTEE

The Council will receive reports from its Committees making recommendations on matters where the Committee has no delegated power.

63. COUNCILLORS CONDUCT

Council Procedure Rule 22 applies.

64. DISTURBANCE BY THE PUBLIC

Council Procedure Rule 23 applies.

NOTE: These Rules should be read in conjunction within the Localism Act, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the Scrutiny Procedure Rules within Part 4 of this Constitution.

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