

CONSTITUTION 2021 – Version 2 (May 2022)
PART 5 – MEETING PROCEDURE RULES
SECTION 2 – COMMITTEE PROCEDURE RULES

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(SECTION 2 – COMMITTEE PROCEDURE RULES)

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1. SCOPE

- 1.1. These rules apply to meetings of the:
- Service Committees
 - Regulatory Committees
 - Sub-Committees
 - Joint Area Committees
- 1.2. These rules will also apply to a Working Party that has agreed that its meetings should be held in public, as confirmed in Part 3 of this Constitution.
- 1.3. All references to ‘Committee’ throughout these rules will apply to the relevant Committee, Sub-Committee, Joint Area Committee or Working Party.

2. MEETINGS OF COMMITTEES

- 2.1. Meetings of Committees shall be held on the dates set out in the annual calendar of meetings approved by the Council or on a date fixed by the Chair.
- 2.2. If the Chair of the Committee considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the relevant lead officer, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.
- 2.3. The Chair of a Committee may call a special or extraordinary meeting of their Committee at any time.

3. BUSINESS AT MEETINGS

- 3.1. The order of business at meetings will be as follows:
- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
 - (ii) receive apologies for absence and note any substitutions;
 - (iii) receive any declarations of interest from Members in accordance with the Members’ Code of Conduct;
 - (iv) approve the minutes of the last meeting;
 - (v) receive questions from members of the public
 - (vi) receive questions for any Member with a pecuniary interest;
 - (vii) receive any items which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstance;
 - (viii) receive the Chair’s report of any consultations undertaken with officers since the last meeting; and
 - (ix) receive and consider officer reports in connection with the items on the agenda for the meeting, including any supplementary items,

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and taking decisions in line with the Committee's responsibilities as set out in Part 3 of this Constitution.

4. NOTICE OF MEETINGS

- 4.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this Constitution. The summons will be accompanied by such reports as are available.
- 4.2. Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.
- 4.3. No business other than that specified in the summons and the agenda shall be transacted at the meeting of the Committee except urgent items.

5. COMMITTEE AGENDA ITEMS

- 5.1. Any Member of the Council wishing to have an item placed on an agenda for a meeting of a Committee (other than by way of a Notice of Motion in accordance with Council Procedure Rule 15) shall contact the relevant Chair requesting that an item be placed on the next available agenda and the decision of the Chair, in consultation with the relevant Director/Group Head, shall be final as to whether that item falls within the terms of reference of the Committee and whether the item should be included on the agenda for a future meeting.

6. THE CHAIR AND VICE CHAIR OF COMMITTEES

- 6.1. The Chair of a Committee shall preside over meetings of that Committee.
- 6.2. Any powers and duties assigned to the Chair under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice-Chair.

7. QUORUM

- 7.1. The quorum of a meeting will be 3 for a membership of 9; 4 for a membership of 11; or one third of the whole number of Members of the Committee in all other membership sizes.
- 7.2. During any meeting, if the Chair counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee.

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8. DURATION OF MEETING

- 8.1. Each unfinished meeting will adjourn after 3 hours unless a majority of Councillors present vote to extend the meeting for a further 30 minutes at which time the meeting will stand adjourned.
- 8.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those Councillors present, or if no decision is reached, by the Chief Executive in consultation with the Chair, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

9. MINUTES

9.1. Signing the Minutes

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

9.2. No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting.

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following suitable meeting (being called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of Minutes.

9.3. Form of Minutes

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

10. QUESTIONS BY MEMBERS OF THE PUBLIC

10.1. Submitting Questions

Members of the public may ask questions of the Chair of a Committee, or the Vice-Chair in their absence, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

a) All questions:

- must confirm to whom the question is addressed;
- must be relevant to matters for which the Committee has powers or duties;
- should be limited to obtaining information or pressing for action; and
- must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chair if they:

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- are not relevant to matters for which the Committee has responsibility; or
- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months; or
- would divulge, or require to be divulged, confidential or exempt information.

10.2. Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

10.3. Asking Questions at the Meeting

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chair will have discretion to:

- (a) group together similar questions; and
- (b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chair has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

10.4. Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Chair of the Committee. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

10.5. Responses

The Chair will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided within 10 working days of the meeting and published to the Council's website.

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10.6. Records of Questions

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

11. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS

11.1. In line with the Members' Code of Conduct at Part 8 of this Constitution, a Member with a prejudicial interest may ask a question of the Chair of a Committee. as long as this is submitted and asked under the same rules that apply to the public, as set out in Committee Procedure Rule 10.

12. ATTENDANCE BY OTHER MEMBERS OF THE COUNCIL

12.1. Addressing a Committee

A Member of the Council shall have the right to attend a meeting of any Committee of the Council (except Standards Committee) of which they are not a member but they shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of a Committee on a specified item or items of business with the permission of the Committee.

12.2. Acting as a Consultee

A Committee may invite any Member of the Council who is not a member of the Committee to attend one or more of its meetings as a consultee to:

- provide verbal or written answers to the Committee's questions; and/or
- make a verbal statement to the Committee; and/or
- provide a written statement to the Committee.

A Member attending a Committee as a consultee shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address the meeting with the permission of the Committee.

12.3. Acting as a Proposer of a Motion

A Member of Council who has proposed a motion under Council Procedure Rule 15 (Notices of Motion) which has been referred by the Full Council to a Committee shall receive notice of the meeting at which it is proposed to consider the motion. They shall have the right to attend the meeting and, if they attend, shall have an opportunity of speaking to the motion.

13. RULES OF DEBATE

13.1. The rules of debate in this Committee Procedure Rule shall apply to all the meetings of Committees and the references in the Committee Procedure Rule to "Member" shall also include co-opted Members.

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13.2. Speaking at Committee Meetings

A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chair will call them in turn to speak.

13.3. Content and Length of Speeches

A Member shall speak on the question under discussion or a personal explanation or to a point of order. No speech may exceed 3 minutes in length without the consent of the Chair.

13.4. Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chair may require it to be written down and handed to them before it is discussed.

13.5. Secunder's Speech

A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

13.6. Amendments to Motions

Every amendment shall be relevant to the motion on which it is moved and shall be:

- i. to leave out words; or
- ii. to leave out words and insert and add others; or
- iii. to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Committee.

13.7. Two or More Amendments

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

13.8. Position if an Amendment is Lost or Carried

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

13.9. Withdrawal of the Motion

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

13.10. Alteration of Motion

A Member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given.

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Only alterations which could have been moved as an amendment may be made.

13.11. Motions Which May be Moved During Debate

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

- i. to withdraw a motion
- ii. to amend a motion
- iii. to proceed to the next business
- iv. that the question be now put
- v. to adjourn a debate
- vi. to adjourn a meeting
- vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
- viii. to not hear further a Member named or to exclude them from the meeting under Committee Procedure Rule 15.

13.12. Closure Motions

a) Any Member who has not already spoken on a motion may move, without comment, the following motions at the end of a speech of another Member:

- i. to proceed to the next business;
- ii. that the question be now put;
- iii. to adjourn a debate; or
- iv. to adjourn a meeting.

the Member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another Member but will then explain that it they wish to move a closure motion.

- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved
- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote (without discussion). If it is passed the Chair will give the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” or “to adjourn the meeting” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion they will put the procedural motion to the vote without giving the mover of the

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original motion the right of reply. Where the motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next meeting, or such other day and hour as shall have been specified in the motion and the meeting shall proceed to the next business on the agenda

- e) Where a closure motion (a)i or (a)ii or (a)iii above is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion
- f) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Committee.

13.13. Resumption after Adjournment

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

13.14. Point of Order

A Member may raise a point of order at any time. The Chair 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 they consider it has been broken. The Chair may allow a reasonable time for the Member to identify the relevant Rule or point of law. The ruling of the Chair on the matter will be final.

13.15. 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 a Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

13.16. Officers of the Council

At the request of the Chair, an officer of the Council may speak during a debate at the Committee meetings to respond to questions asked and statements made.

14. VOTING

- 14.1. Any question at any meeting of any Committee shall be determined by a show of hands by a majority of the Members present and voting.

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- 14.2. A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chair considers the request frivolous or vexatious.
- 14.3. Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or recommendation or abstained from voting.
- 14.4. If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.
- 14.5. **Voting at Planning Committee**
Voting on an officer recommendation at the Planning Committee will follow the procedure set out in the Planning Protocol included at Part 8 of this Constitution. However, Committee Procedure Rules 14.2 to 14.4 relating to recorded votes and equality of voting will still apply.

15. MEMBERS CONDUCT

15.1. General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

A Member shall comply with the Members' Code of Conduct as set out in Part 8 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

15.2. 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 the Member be not heard further. If seconded, the motion will be voted on without discussion.

15.3. 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.

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16. DISTURBANCE BY THE PUBLIC

- 16.1. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.
- 16.2. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.
- 16.3. 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. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

17. PREVIOUS DECISIONS

With the exception of the Recovery arrangements at Council Procedure Rule 18.2, no resolution taken at a previous meeting of a Committee shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 19 (Previous Decisions and Motions).

18. RECORD OF ATTENDANCES

Members of the Committee and any Co-opted Members shall sign their name in the Attendance Book to confirm their attendance at the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

19. SUBSTITUTION

Where a Member is unable to attend a meeting, substitution arrangements will work to the requirements of Council Procedure Rule 29 (Substitution).