

## **2. THE COMMITTEE PROCEDURE RULES**

### **Purpose and Application**

- 2.1 These Committee Procedure Rules (the Rules) apply to all Council Committees and their sub-committees unless specified otherwise elsewhere in this Constitution and govern the conduct of meetings of the Committees. These Rules must be read in conjunction with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.2 Meetings of the Executive (Cabinet), Planning Committee, Standards Committee, Overview and Scrutiny Committees and the sub-committees of the Licensing Committee and Standards Committee are subject to their own rules and procedures as set out elsewhere in this Constitution.

### **Time and Place of Committee Meetings**

- 2.3 Council shall agree a schedule of Committee meetings at its Annual Meeting.
- 2.4 Additional Committee meetings may be held with the agreement of the Committee Chair taking advice from the Monitoring Officer and only where there are items of business which can reasonably be deferred to the next scheduled meeting of the Committee.
- 2.5 The Proper Officer will notify the time and place of Committee meetings in the summons.
- 2.6 The summons will also specify the business to be transacted and will be accompanied by such reports as are available.
- 2.7 Committee meetings will take place at the Civic Centre or such other venue at the time specified in the summons.

### **Committee Chairs and Vice Chairs**

- 2.8 Council will appoint Committee Chairs and Vice Chairs at its Annual Meeting.
- 2.9 Vacancies in either office will be filled at the next meeting of Council including, if held, an Extraordinary Meeting of the Council.
- 2.10 The Chair must chair a Committee meeting if present.
- 2.11 If the Chair is absent from a meeting, the Vice Chair must chair the meeting if present.
- 2.12 If neither the Chair nor Vice Chair is present, the Committee shall appoint a councillor to Chair the meeting as the first item of business.
- 2.13 The Chair of the meeting must Chair in accordance with these Rules and the Constitution and where necessary taking advice from the Democratic Services Officer and / or legal advisor present.
- 2.14 The Chair shall exercise a casting vote in Committee meetings on any item of business in respect of which there is an equality of votes for and against.

## **Committee Membership**

- 2.15 Council will resolve what committees shall be appointed and what shall be the terms of reference of each of those committees and of how many voting members each committee shall comprise.
- 2.16 Council will also confirm the political proportionality required for each committee with the Group Leader or individual independent councillors agreeing the appointment.

## **Committee Meeting Agendas**

- 2.17 Meetings will have an agenda similar to the example listed below:
- (a) To elect a councillor to preside at the meeting in the absence of both the Chair and Vice Chair;
  - (b) To approve the minutes of the previous meeting;
  - (c) To receive any declarations of interest from councillors;
  - (d) To receive referrals from Council, the Cabinet or other Committees;
  - (e) To receive reports, if any, from officers, the Cabinet and / or other Committees;
  - (f) To deal with any outstanding business from the last meeting;
  - (g) To consider any other business specified in the summons to the meeting.
- 2.18 A Committee meeting may not consider any business not included in the summons unless the Chair agrees to accept a late item on grounds of urgency and those reasons are recorded in the minutes.

## **Quorum**

- 2.19 Quorum of the meetings of the Planning Committee, Audit and Governance Committee and the Overview and Scrutiny Committees shall be one half of the Committee membership rounded up to the nearest whole number eligible to vote subject to the minimum requirement of 5 members. Quorum for other Committees of the Council shall be one third of the Committee membership eligible to vote or the nearest whole number above one third subject to a minimum quorum of three councillors.
- 2.20 If the Chair counts the number of councillors present at a meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to fifteen minutes to allow a quorum to be present (and the Chair may allow more than one adjournment up to a total period of fifteen minutes). If after a period of thirty minutes in total there is still no quorum, the Chair shall close the meeting and any remaining business will be considered at the next ordinary meeting of the Committee or at a time and date fixed by the Chair.

## **Substitutes**

- 2.21 Subject to the provisions of this Rule 2.21 to Rule 2.25 any councillor may act as a substitute for another councillor if they are from the same Political Group at a Committee Meeting.
- 2.22 The purpose of substitutes is to maintain the quorum and political proportionality of Committee. A substitute should only be used when the usual Committee member is unable to attend a meeting by reason of illness, leave or other good reason.
- 2.23 Substitute councillors must have undertaken any training that is a requirement for membership of the relevant Committee to be able to sit.
- 2.24 Where the Chair is substituted, the Vice Chair will chair the meeting if present.
- 2.25 Where both the Chair and the Vice Chair are substituted, the meeting will elect a councillor from those present and entitled to vote to preside at the meeting.

### **Substitution Procedure**

- 2.26 The relevant councillor must notify their Group Leader and Democratic Services in writing of the proposed substitution (including the name of the substitute) as soon as possible and in advance of the relevant meeting.
- 2.27 In cases of urgency, verbal notification may be provided to Democratic Services with confirmation in writing. (If notification is provided at the meeting itself, it must be made before the meeting starts and to the Democratic Services Officer present and supporting the meeting).
- 2.28 The relevant Group Leader may change a substitution if the notice requirements above are complied with before the start of the relevant meeting, including to revert to attendance by the usual committee member.

### **Limitations**

- 2.29 Substitute councillors must be appointed for the whole of a committee meeting and the usual committee member has no right to attend the meeting as a committee member.
- 2.30 If a substitute councillor attends a meeting of the Planning Committee or a hearing sub-committee of the Licensing Committee or Standards Committee and an agenda item is part considered and the meeting adjourned to consider the matter at a later date, the substitute councillor must attend the subsequent meeting to consider and determine that item.
- 2.31 Cabinet members may not be substitutes on Council Committees or the Overview and Scrutiny Committees or the Audit and Governance Committee.
- 2.32 Non-cabinet members may not substitute on the Cabinet or Cabinet sub-committees.

## **Duration of Committee Meetings**

- 2.33 The business of a Committee Meeting should be concluded within three hours (including any period of adjournment or otherwise).

## **Extension of a Committee Meeting after Three Hours**

- 2.34 If the business of any meeting has not been concluded within three hours (including any period of adjournment or otherwise), the Chair may adjourn, extend the meeting, for up to thirty minutes, or call for an immediate vote on the item under discussion.
- 2.35 If the Chair calls for an immediate vote pursuant to Rule 2.34 the vote will be taken in the usual way without any further discussion. An adjournment may require the items not dealt with to be on the agenda for the next scheduled meeting or an extraordinary meeting will be called.
- 2.36 A councillor may move that the length of the meeting is extended by up to thirty minutes if:
- (a) The motion is moved before the expiry of three hours from the start of the meeting;
  - (b) Is seconded and agreed by the Committee without debate.
- 2.37 Only one motion to extend the length of the meeting may be moved and the Chair may put to the vote a different period of extension to that moved but no longer than thirty minutes to ensure the effective and timely conduct of Committee business.
- 2.38 When all the business on the meeting agenda is completed, the Chair will close the meeting.

## **Voting at Committee Meetings**

- 2.39 Unless provided otherwise elsewhere in this Constitution, any matter will be decided by a simple majority of those councillors present in the room at the time the question is put and eligible to vote on the matter.
- 2.40 Only councillors may vote, except where the terms of reference of a Committee allow for voting by non-elected Committee members.
- 2.41 Unless a recorded vote is required by law or is validly demanded the Chair will take the vote by electronic means or a show of hands.
- 2.42 If there is an equality of votes for and against on any matter, the Chair shall have a casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

## **Recorded Vote**

- 2.43 If three councillors present at the meeting demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.

- 2.44 The Democratic Services Officer present will call out councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 2.45 In the event of an equality of votes on a recorded vote, the Chair will have a casting vote which will be recorded.

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

- 2.46 Where immediately after a vote is taken, a councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against a decision or abstained from voting.

### **Rules of Debate**

- 2.47 Committees are intended to be more informal and discursive than Council meetings. However, the Chair shall have conduct of the debate with a view to ensuring all councillors are able to speak on matters relevant to the item under discussion. It is expected that councillors and others attending adhere to the NOLAN principles and maintain an atmosphere of courtesy and respect.
- 2.48 All councillors will stop speaking if requested to do so by the Chair.
- 2.49 All statements and questions must be addressed through the Chair.
- 2.50 Speeches and / or questions are not time limited and if invited by the Chair, a member of the Committee may speak more than once on an item but Committee members should aim to speak for no longer than three minutes.
- 2.51 The Chair may limit the length or number of speeches or questions to ensure the effective conduct of the meeting.
- 2.52 Residents' questions will be permitted in accordance with the Council Procedure Rules set out under Part 2 of this Constitution.
- 2.53 Public speaking at meetings of the Planning Committee is subject to the Planning Committee Procedure Rules set out below at Section 3.

### **Committee Business**

- 2.54 Items of business on the agenda will be presented to the Committee by Cabinet Members or officers who may also answer any questions from councillors.
- 2.55 The Committee may move and agree by consensus or by vote amendments to the recommendations as they see fit, following legal or other advice if required.

### **Point of Order**

- 2.56 Any councillor may make a point of order to the Chair alleging that there has been a breach of these Rules or any other statutory provision or applicable provision of this Constitution.

- 2.57 A councillor making a point of order must state to the Chair that:
- (a) They wish to make a point of order; and
  - (b) Specifying the Rule or statutory provision or provision of this Constitution which they consider to have been breached; and
  - (c) The way in which they consider it has been breached.
- 2.58 The Chair shall consider whether a valid point of order has been raised and:
- (a) If so, take any necessary action; or
  - (b) If not, will continue with the business of the meeting; and
  - (c) the Chair's ruling is final.

### **Point of Personal Explanation**

- 2.59 A councillor may request to speak to make a personal explanation, where the Chair agrees that the councillor:
- (a) Has been named by another councillor during the debate and;
  - (b) Has been named in a manner which reflects adversely upon the reputation of the named councillor.
- 2.60 A councillor who wishes to make a personal explanation must make the request at the end of the current councillor's speech to the Chair who may either agree or refuse the request. The Chair's decision is final.
- 2.61 In making a personal explanation, the councillor must only address the comment in respect of the councillor's reputation.

### **Press and Public: Access and Exclusion**

- 2.62 Members of the press and public are permitted to attend all Committee meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.63 Members of the press and public may only be excluded from a Committee meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

### **Recording and Filming**

- 2.64 Any person, including councillors, may record or film Council proceedings when the meeting is held in public subject to the following:
- (a) The person has notified Democratic Services of their intention to film or record the meeting prior to the commencement of the meeting;
  - (b) Recording or filming must not disrupt the business and conduct of the meeting;

- (c) In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;
  - (d) Refrain from recording or filming any member of the public, except where part of the formal proceedings; and
  - (e) During a private session of the meeting must not leave any form of recording device in the meeting room and councillors remaining in the meeting must not record or film any private session of the proceedings.
- 2.65 Permission to record or film Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.
- 2.66 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

### **Councillor Misconduct During Meetings**

- 2.67 If during the course of a Committee meeting a councillor fails to comply:
- (a) With the NOLAN principles, these Rules or any other applicable rules; or
  - (b) An instruction of the Chair; or
  - (c) A decision of the Committee; or
  - (d) When speaking uses offensive, intimidatory or abusive language towards any councillor, officer or other person, the Chair may instruct the councillor to be seated, if they are standing and not to speak.
- 2.68 If the councillor continues to fail to comply with the provisions of Rules 2.67 or otherwise refuses to comply with the Chair's instructions, the Chair may:
- (a) Move without debate that the councillor be suspended from and must leave the meeting; and
  - (b) If the motion is seconded, the Committee shall vote on the motion.
- 2.69 If the motion is carried but the offending councillor refuses to leave the meeting, the Chair may take steps to remove the councillor from the meeting.

### **Disturbance by a Member of the Public**

- 2.70 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.
- 2.71 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

### **Removal of a Member of the Public**

- 2.72 If one or more members of the public interrupts or interferes the effective conduct of the business of a meeting the Chair may warn them and if they interrupt again, the Chair may order their removal from the meeting.

## **General Disturbance**

- 2.73 In case of a general disturbance in any part of the meeting room open to the public for the purpose of attending the meeting, the Chair may order that part of the meeting room to be cleared.

## **Notification of Cancellation of a Committee Meeting**

- 2.74 The Proper Officer, after consultation with the Chair may issue, owing to exceptional circumstances, a Public Notice of Cancellation of the Meeting.
- 2.75 The Notice must state reasons for the cancellation.

## **Suspension and / or Amendment of the Committee Procedure Rules**

- 2.76 Subject to any statutory provisions, any or all of these Rules, except those set out under Rule 2.77 below may be suspended by a majority of at least one half of the whole number of councillors who are present at the meeting and eligible to vote. Suspension will only be for the item or meeting specified in the motion. Motions to suspend must specify the Rule or Rules being suspended.
- 2.77 Rules that may not be suspended:
- (a) Requirements for Summons (Rules 2.5 to 2.7);
  - (b) Quorum (Rules 2.19 to 2.20);
  - (c) Duration of the Meeting (Rules 2.33 to 2.38);
  - (d) Voting (Rules 2.39 to 2.42);
  - (e) Access and Exclusion of the Press and Public (Rules 2.62 to 2.63);
  - (f) Recording and Filming (Rules 2.64 to 2.66); and
  - (g) Rules as to conduct and removal (Rules 2.67 to 2.73).