

# **GENERAL COMMITTEE PROCEDURE RULES**

## **1. SCOPE OF THESE RULES**

- 1.1. These Rules apply to all Committee and Sub-Committee meetings of the Council with the exception of the Full Council. Separate Procedure Rules are in place for the Cabinet, Overview and Scrutiny Commission and Licensing Sub-Committees (Hearings) which must be read in conjunction with these General Committee Procedure Rules.

## **2. SCHEDULED COMMITTEE MEETINGS**

- 2.1. Committee meetings will take place as scheduled in the Calendar of Meetings unless amended with the agreement of the relevant Chair, or in the Chair's absence, the Vice Chair of the appropriate Committee.

## **3. ORDER OF BUSINESS**

- 3.1. Committee and Sub-Committee meetings will:
  - a) Elect a Committee Member to chair the meeting, should the Chair and Vice Chair not be present.
  - b) Receive notification of apologies for absence.
  - c) Receive any declarations of interest from Councillors.
  - d) Approve the minutes of the last meeting.
  - e) Public Question Time (excluding Planning Committee, Licensing Sub-Committee (Hearings) and Licensing Sub-Committee (Taxis)).
  - f) Consider the business detailed on the agenda.
  - g) Consider any relevant petitions (if any) under the Council's Petitions Scheme.
  - h) Consider any urgent business.

*NB: The order of business is at the discretion of the Chair.*

## **4. INTERPRETATION OF THESE PROCEDURE RULES**

- 4.1. The Chair or in their absence the person chairing the meeting will decide on all matters of order and interpretation of these rules and their decision will be final and not open to discussion. In presenting a ruling they must explain their decision.
- 4.2. In reaching their decision, they must give due consideration to the advice of the Legal Officer or Democratic Services Officer. The Chair may defer to the Legal Officer or Democratic Services Officer to provide the interpretation on their behalf.

## **5. ROLE OF THE CHAIR**

- 5.1. The Chair, and in their absence the Vice Chair, will have the following roles:
  - a) To prepare for and chair meetings in a fair, impartial and competent manner, ensuring Councillors treat each other with respect.

- b) To have a clear understanding of the responsibilities, range of services and current agreed policies for which their Committee is responsible.

## 6. NOTICE AND SUMMONS TO MEETINGS

6.1. The Head of Governance, People & Performance will give notice to the public of the time and place of any Committee meeting in accordance with the Access to Information Procedure Rules. The summons (in the form of an agenda) will be published at least five clear working days before a meeting and will detail the time, location and items to be discussed including any associated reports being considered. The date and time of scheduled Committee meetings will be published in the Calendar of Meetings.

6.2. **Special meetings of a Committee:** A special meeting may only be called:

- If there is urgent business to be considered.
- At the written request of any three members of the relevant Committee or the Chair.

Should such a request be made, the Chair and Vice Chair of the relevant Committee will be consulted and a summons/agenda issued by the Head of Governance, People & Performance.

*NB: No business, other than that contained within the issued summons/agenda shall be considered at Special Committee meetings.*

6.3. **Cancellation of scheduled Committee meetings:** A scheduled meeting may be cancelled in writing by the Head of Governance, People & Performance, if there is insufficient business, following consultation with the relevant Chair.

## 7. COMMENCEMENT OF MEETING

7.1. All Committee meetings will commence at the time specified in the scheduled Calendar of Meetings, unless the summons/agenda issued by the Head of Governance, People & Performance, following consultation with the Chair, alters this time.

## 8. ATTENDANCE AT THE MEETING

8.1. **Apologies for Absence:** Councillors who have conveyed their apologies for absence will be recorded as such in the minutes. Councillors who are not in attendance, but who have not conveyed their apologies, will also be recorded in the minutes of a meeting as being absent.

8.2. **Quorum:** The quorum of a Committee meeting shall be one quarter of the whole number of Councillors rounded up where necessary to the next number and no less than three Councillors. Specific quorum requirements relating to the Employment Panel are set out in its functions (Section 1 of this Constitution). The attendance of the Independent Member to the Audit Committee shall not be taken into account when calculating the quorum at Audit Committee meetings.

If a meeting remains inquorate 15 minutes after its scheduled start time, an officer (usually a member of the Democratic Services team) will announce that the meeting

is inquorate and those present will be requested to informally agree to either reconvene at a later date or defer items on the agenda to a future scheduled meeting.

8.3. **Substitutes:** Where substitutes have been assigned to a Committee, those Councillors may only take the place of the ordinary Committee Member when they will be absent for the whole of the meeting and either the Chair or the Head of Governance, People & Performance has been notified in advance of the substitution. Substitutes will have all the powers and duties of any ordinary Committee Member.

8.4. **Council Officers:** Officers attending Committee meetings may, with the consent of the Chair, contribute by presenting any report under consideration or by providing advice and guidance.

8.5. **Non-Committee Councillors:**

Every Councillor has the right to attend any standing Committee or Sub-Committee of the Council, other than:

- The Employment Panel (selected Panel only).
- Closed sessions of the Licensing Sub-Committee (Hearings) (selected Panel only).

A non-Committee Councillor is only entitled to take part in the proceedings if they obtain the Chair's consent to speak on a particular item. They will not under any circumstances be entitled to vote. Non-Committee Councillors will sit separately from Committee Members.

8.6. **Non-Committee Councillors proposing a motion:** A Non-Committee Member who has moved a Notice of Motion at the Full Council which has been referred to a Committee has the right to attend the meeting to explain the motion. They will not have the right to vote on the item.

## 9. DECLARATIONS OF INTEREST

9.1. In accordance with the Code of Conduct for Councillors, Councillors are required to declare interests as appropriate.

## 10. MINUTES

10.1. Each Committee meeting will consider and sign the minutes of the previous 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 and any questions as to their accuracy shall be raised as a Procedural Motion and voted on accordingly. Once the minutes have been agreed by the Committee they shall be signed by the Chair.

## 11. PUBLIC QUESTIONS AND SPEAKING RIGHTS

- 11.1. **Public Question Time:** Public Question Time will only occur at ordinary meetings of the Audit Committee, Governance Committee and Licensing Committee and will last for a maximum of 15 minutes.
- a) Members of the public do not need to give prior notice of their questions.
  - b) The question should be relevant to any item on the agenda. The question must not relate to an individual case which should be dealt with under the Council's complaints procedure or any other formal appeals procedure.
  - c) The question must not be in essence the same as a question which has been put to that Committee in the past 6 months.
  - d) The Chair of that Committee, at their discretion, may answer the question or invite other Councillors or officers to respond.
  - e) After the question has been answered, the person asking the question may ask one supplementary question relating to the same matter.

Separate procedures are in place for public questions at meetings of the Overview and Scrutiny Commission, the Full Council and the Cabinet (see the relevant Procedure Rules for more detail).

- 11.2. **Public Speaking Rights:** There are no public speaking rights at Committees or Sub-Committees with the exception of the Planning Committee and Licensing Sub-Committee (Hearings) (see relevant sections of this Constitution). However, the Chair has the discretion to allow public speaking rights if they consider it to be beneficial.

## 12. AMENDMENTS

- 12.1. This procedure is for use with proposed amendments to Committee recommendations.
- 12.2. An amendment **MUST** only seek to make the following change(s) to the original recommendation:
- a) Refer the matter to an appropriate body or individual for (re)consideration.
  - b) Remove words.
  - c) Replace words.
  - d) Insert additional words.
- 12.3. An amendment **MUST NOT**:
- a) Add unrelated issues to the original recommendation.
  - b) Have the effect of introducing a new proposal into the debate.
  - c) Have the effect of negating the original recommendation.
  - d) Be defamatory, frivolous or offensive.

12.4. An amendment will be dealt with as follows:

- a) May be moved during the debate and will be discussed during the general discussion.
- b) Before any amendment is voted upon it must be formally moved and seconded. If the amendment is not seconded, the amendment will fall.
- c) If more than one amendment is proposed, each amendment will be voted upon separately in the order in which they were moved.
- d) If the amendment is carried the recommendation as amended will then become the substantive recommendation.
- e) Once all amendments have been voted upon, a vote will then be taken on the substantive recommendation and the decision will be announced by the Chair.

### 13. VOTING

13.1. **Procedure:** The Chair will give clear instructions and guidance when a vote is to be taken, this may include an explanation as to the questions being voted upon and a summary of the debate.

The Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting unless a recorded vote is requested (Rule 12.4). All Councillors will be expected to indicate their voting intentions clearly.

It should be noted that the Independent Member to the Audit Committee does not have voting rights.

13.2. **Majority:** All matters will be decided by a simple majority of those Councillors voting and present in the room at the time the question is put to the vote. The Chair will ascertain the numbers voting for or against any question, or not voting on it and shall announce those numbers and declare the result.

13.3. **Chair's Casting Vote:** If there are equal numbers of votes for and against, the Chair or the person presiding will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

13.4. **Recorded Vote:** A recorded vote will be taken if any Councillor present at the meeting demands it. In the event of a recorded vote, the Democratic Services or Legal Officer shall call the names of each Councillor present in alphabetical order. Each Councillor will then declare themselves for or against the recommendation or abstaining from voting. This process will be taken down in writing and entered into the minutes. The Chair will declare the result.

13.5. **Right to Require Individual Vote to be Recorded:** Any Councillor may request that the minutes record how they voted, be it for or against the recommendation or abstaining from voting. Such a request must be made immediately after the relevant vote is taken.

13.6. **Voting at the Planning Committee:** It is important that decisions by the Planning Committee are not taken in a way which encourages a challenge on the grounds of impropriety. As such, members of the Committee must have heard the majority of the officer's presentation and been present for the majority of the discussion on an application in order to vote on that item.

## 14. PROCEDURAL MOTIONS

14.1. Procedural motions, as listed below, may be moved without notice:

- a) **Point of Order:** A point of order is a request from a Councillor to the Chair to rule on an alleged legal or procedural irregularity relating to the meeting. A Councillor may raise a point of order at any time and the Chair will hear them immediately, for a period of up to 2 minutes. A point of order may only relate to an alleged breach of these Procedure Rules or the law, and the Councillor raising the matter must indicate how they believe it has been breached. The ruling of the Chair on the matter will be final.
- b) **Personal Explanation:** A Councillor may make a personal explanation at any time to clarify an aspect of an earlier speech they have made which appears to have been misunderstood in the present debate. The ruling of the Chair on the matter will be final.
- c) Elect a Committee Member to chair the meeting, should the Chair or Vice Chair not be present.
- d) Contest the accuracy of the minutes (Rule 9).
- e) To change the order of business in the agenda.
- f) To refer something to an appropriate body or individual.
- g) To proceed to the next business.
- h) That the item now be voted upon.
- i) To adjourn a debate.
- j) To adjourn a meeting.
- k) To authorise the sealing of documents.
- l) To suspend a particular Procedure Rule.
- m) To exclude the public and press in accordance with the Access to Information Procedure Rules.
- n) To not hear further a Councillor named under Rule 15.5 (Councillor not to be heard further) or to exclude them from the meeting under Rule 15.6 (Councillor to leave the room).

*\* NB: Once a procedural motion (with the exception of (a) and (b) above) has been moved and seconded, a vote on the matter will be taken immediately.*

## 15. DURATION OF MEETING

- 15.1. **Commencement:** Most formal Committee meetings will commence at 7.00pm, unless the summons/agenda issued by the Chief Executive or the Head of Governance, People & Performance, following consultation with the relevant Chair, alters this time.
- 15.2. **Concluding the Meeting:** The business of any Committee meeting should conclude by 11.00pm.

- 15.3. **Guillotine (with the exception of the Planning Committee):** The use of the guillotine process comes into effect once the meeting has reached 11.00pm.

The Guillotine process is:

- a) **Recommendations Not Dealt With:** If there are any recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way. This process will also apply in instances where the Council/Committee is statutorily required to make a decision about a matter before a particular date.
- b) **Recorded Vote:** If a recorded vote is called for during this process, it will be taken immediately.
- c) **Procedural Motions Which May Be Moved:** During the guillotine process, the only other Procedural Motions which may be moved are that a matter be withdrawn or referred to an appropriate body or individual for decision or report.
- d) **Closure of the Meeting:** When all recommendations have been dealt with, the Chair will declare the meeting closed.

- 15.4. **Guillotine (Planning Committee):** The use of the guillotine process comes into effect once the meeting has reached 11.00pm.

The Guillotine process is:

- a) **Recommendations Not Dealt With:** If there are any recommendations on the agenda that have not been dealt with, they will be deferred until the next scheduled meeting of the Committee. The exception to this will be matters which statutorily require a decision before the date of the next meeting, in which case an additional Committee meeting will be arranged as soon as practicably possible to consider these matters. No speeches will be allowed on these items and no votes will be taken.
- b) **Consideration Underway:** Any item already undergoing debate at 11.00pm will be concluded and voted upon rather than being deferred.
- c) **Recorded Vote:** If a recorded vote is called for during this process, it will be taken immediately.
- d) **Procedural Motions Which May Be Moved:** During the guillotine process, the only other Procedural Motions which may be moved are that a matter be withdrawn or referred to an appropriate body or individual for decision or report.
- e) **Closure of the Meeting:** When all recommendations have been dealt with or deferred, the Chair will declare the meeting closed.

## 16. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 18 (Disturbance by Public).

## 17. COUNCILLORS' CONDUCT

In addition to the general requirements of the Code of Conduct for Councillors, the following shall apply to Committee meetings:

### 17.1. **Every Councillor present at the meeting shall:**

- a) Treat others with courtesy and respect.
- b) Conduct themselves in a way which does not cause offence to others or limits in any way others' ability to participate at the meeting.
- c) Only speak when called on by the Chair or speak through the Chair.

### 17.2. **Unacceptable conduct includes:**

- a) Using abusive or inappropriate language, or making comments of a personal nature about another person.
- b) Derogatory remarks or actions.
- c) Preventing others from expressing their views by interrupting or talking while they are speaking.

17.3. **Only One Councillor Shall Speak at a Time:** A Councillor when speaking shall address the Chair. If two or more Councillors indicate a wish to speak, the Chair shall call on one to speak and any others shall wait to be called. While a Councillor is speaking other Councillors shall remain quiet, unless raising a procedural motion or making a personal explanation.

17.4. **Chair Speaking:** When the Chair speaks during a debate, any Councillor speaking at the time must stop. The meeting must be silent.

17.5. **Councillor Not to be Heard Further:** If a Councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Councillor may move that the Councillor not be heard further. If seconded, the motion will be voted on without discussion.

17.6. **Councillor to Leave the Meeting:** If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned briefly and in any event for no longer than 15 minutes. If seconded, the motion will be voted on without discussion. If a motion that the Councillor leave the room is carried, the Councillor will leave the room immediately.

17.7. **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 so that order may be restored.

## 18. DISTURBANCE BY PUBLIC

18.1. If there are general disturbances by a member of the public, the Chair has a number of powers, including:

- a) To warn a particular person or order their removal from the meeting.
- b) To adjourn the meeting to allow order to be restored.
- c) To clear all or part of the public areas as necessary.



- d) To adjourn the meeting to another date and time as the Chair deems appropriate so that the business of the meeting can be conducted.

## **19. URGENT ACTION**

- 19.1. Executive (Leader and Cabinet) decisions taken under urgency will follow the Urgency and Exemption Procedures set out in the Access to Information Procedure Rules.
- 19.2. If urgent action is required in respect of any Committee function before a decision can be taken by the appropriate Committee or Sub-Committee, a written report will be prepared for consideration by the Chief Executive who may after consultation and agreement in writing from the Chair or Vice Chair of the appropriate Committee or Sub-Committee to which the matter is delegated, take a decision and any necessary action as appropriate in relation to that matter.
- 19.3. Should the Chair or Vice Chair of the appropriate Committee or Sub-Committee not be available for consultation, the Mayor shall be consulted in their absence.
- 19.4. Every such decision shall be reported to the next available meeting of the appropriate Committee or Sub-Committee.