

APPENDIX 2 – COMMITTEE PROCEDURES RULES –‘TRACKED CHANGES’ VERSION INCORPORATING PROPOSED CHANGES

PART B – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS

INTRODUCTION

1. These rules are designed to ensure meetings run smoothly and are conducted properly.
2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

ARRANGEMENTS FOR MEETINGS

~~3. The agenda and papers for meetings must be available at least five clear working days before the meeting.~~

~~4.~~

5-3. A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.

6-4. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

MINIMUM ATTENDANCE (QUORUM)

7-5. The following number of committee members must be present for the meeting to proceed or continue:

- | | |
|--------------------------------|---|
| a. Less than 15 voting members | 3 |
| b. 15 to 25 voting members | 4 |
| c. More than 25 voting members | 5 |

8-6. If there is an insufficient number of committee members present, the meeting will not proceed.

ORDER OF BUSINESS

9-7. The order of business will usually be:

- a. at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
- b. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- c. confirmation of the minutes of the last meeting of the committee

- d. apologies for absence, including reasons
- e. declarations of interest
- f. business outstanding from the last meeting
- g. reports for decision by committee
- h. reports for information
- i. work programme (if applicable)

OTHER POINTS REGARDING THE ORDER OF BUSINESS

~~40.8.~~ At any time during the meeting the Chairman can adjourn the meeting.

~~41.9.~~ The order of business can be varied at the discretion of the Chairman.

~~42.10.~~ The minutes of ordinary meetings will not normally be confirmed at special meetings.

APOLOGIES FOR ABSENCE

11. Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

DECLARATIONS OF INTEREST

~~43.12.~~ Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

~~44.13.~~ Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:

- a. The Chief Executive has granted them a dispensation; or
- b. the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.

~~15. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.~~

~~16.~~14. Subject to paragraph ~~15~~6, any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

~~17.~~15. Paragraph ~~14~~5 above does not apply to members of the public who are entitled to speak at Planning and Licensing Committee.

DRAFT

CONSIDERATION OF RECOMMENDATIONS IN REPORTS AND THE RULES OF DEBATE

16. The report recommendation should be 'moved' by one committee member and 'seconded' by another committee member. It then becomes a 'motion' which may be debated before a vote is taken. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. Where a report contains more than one recommendation they will be moved as a single motion for debate.

17. Motions relating to the following may be moved and seconded without notice, the Chairman may require the motion to be put in writing to ensure clarity of the motion being considered:

a. an alternative to a recommendation in the report

a.b. amendments to motions

~~18. Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved:~~

~~a. an alternative to a recommendation in the report~~

~~b. amendments to motions~~

~~MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE~~

~~19. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:~~

~~a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice Chairman~~

~~b. request to withdraw a motion~~

~~c. that the matter be put to a vote~~

~~d. that the meeting be adjourned~~

~~e. variation of the order of business~~

~~f. suspension of the procedure rules~~

~~g. exclusion of the public~~

~~h. that a named committee member should not be heard further~~

THE RULES OF DEBATE

~~20.~~18. If a committee member wishes to speak they should indicate their intention by raising their hand.

~~21.~~19. The Chairman will decide the order in which speakers will be heard. Any committee member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.

~~22.~~20. Committee members can speak for a maximum of ~~540~~ minutes each time they are entitled to speak during a debate subject to paragraph 16.

~~23.~~21. Committee members when speaking must address the Chairman.

22. Councillors must speak strictly to the subject under discussion.

23. Councillors may speak once on any motion and once on each amendment.

24. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.

25. Whenever the Chairman stands during a debate the committee must be silent.

26. Any committee member may at any time during a meeting request that the meeting be adjourned for a short period up to one hour. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.

~~27.~~ ~~If the motion has been amended since the committee member last spoke, that member may move a further amendment to the motion.~~

~~28.~~ ~~The committee member who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.~~

27. The committee member who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.

~~29.~~28. If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

~~A motion may be altered with the consent of the mover and seconder.~~

~~POINTS OF ORDER AND PERSONAL EXPLANATIONS~~

~~With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.~~

~~The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.~~

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

29. An alteration is where the motion is changed by or with the agreement of the mover and seconder of the motion. This can include where a proposal by another member to make a change to a motion, is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.

30. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.

31. An alteration can only be made if it would be accepted as a valid amendment. The Chairman may require the alteration to be put in writing to ensure clarity of the motion being considered. Alterations can be accepted:-

- a. when the mover changes the motion whilst moving it;
- b. during the debate to update the motion to maintain accuracy;
- c. if the mover accepts a proposed amendment; or
- d. to make the motion more acceptable to Councillors.

32. Amendments to a motion can be moved or seconded by any committee member, following the process set out in paragraph 178 above to leave out words, to add words or both provided that such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

33. Amendments must:-

- a. be asking the Council to make a decision which is lawful;
- b. be a matter for which the Council has responsibility for, is a matter which the Council has the power to implement, or which directly or indirectly affects residents or businesses in the County;
- c. not be defamatory, frivolous or offensive;
- d. not reverse a decision taken by the Council in the past six months;

e. not require disclosure of confidential or exempt information; and

f. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.

34. The amendment may be rejected if it does not comply with the provisions set out in paragraph 33. The Chairman may adjourn the meeting to seek appropriate advice to confirm the validity of the amendment.

~~30-35. If a valid amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alternation to the motion and will become the altered (substantive) motion. The motion will remain in the name of the original mover if they propose or accept the amendment. No debate or vote will be required and the amended motion will become the substantive motion.~~

~~31. Only one Amendments may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been must be dealt with and voted on one at a time.~~

~~32-36. If a motion to move an amendment is rejected following a vote then alternative amendments can be moved.~~

~~33-37.~~ If a ~~valid~~ amendment is not accepted by the mover of the original motion, the following procedure will apply:-

a. the amendment will be debated

b. a vote will then be taken on whether the amendment should become the amended motion (substantive motion)

~~c. if the amendment is carried, then the new substantive motion will be in the name of the committee member who moved the successful amendment~~

~~d.c.~~ debate will continue and further amendments may be moved

~~e.d.~~ after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final amended motion (substantive motion)

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

38. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:

a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman

b. request to withdraw a motion

- c. an amendment to a motion (the Chairman may require the amendment to be put in writing to ensure clarity of the amendment being considered)
- d. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 39)
- e. that the meeting be adjourned
- f. variation of the order of business
- g. suspension of the procedure rules (giving the procedure rule number to be suspended and the reason)
- h. exclusion of the public
- i. that a named committee member should not be heard further

BRINGING DEBATE TO EARLY CLOSURE

- ~~34.~~39. A committee member who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- ~~35.~~40. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- ~~36.~~41. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate~~by the proposer of the motion or amendment.~~

POINTS OF ORDER AND PERSONAL EXPLANATIONS

- ~~37.~~42. With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- ~~38.~~43. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

- ~~44.~~ Votes in committee are to be determined by a show of hands.
- ~~39.~~45. When the vote is being called Councillors must remain seated and quiet, clearly hold their hands up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.
- ~~40.~~46. Where there is an equal number of votes for and against a motion the Chairman can exercise a second ~~or~~ (casting) vote.

~~41.47.~~ A recorded vote will be taken if 2 or more committee members request it by a show of hands. The process will be as follows:

- a. The names of all committee members will be called and the vote of each member recorded.
- b. The Chairman will announce the result.
- c. The minutes will record how each committee member voted.

48. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the meeting room and, when called, use the microphone (if provided) to give their vote.

~~42.49.~~ Any committee member can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

~~43.50.~~ Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to the original decision-making meeting for further consideration with the agreement on a request from of the Committee's Chairman and Vice Chairman.

DISORDERLY CONDUCT

~~44.51.~~ Councillors are expected to act in a reasonable and professional manner at committee meetings, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the meeting.

~~45.52.~~ If, at any meeting, any Councillor in the opinion of the Chairman is in breach of paragraph ~~4516~~ the Chairman may warn the Councillor about their behaviour.

~~46.53.~~ If following any warning a Councillor continues to breach paragraph ~~4516~~ the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.

~~47.54.~~ If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:

- a. may request the Councillor to leave the meeting; or
- b. may adjourn the meeting for any period considered necessary

~~48.55.~~ In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

ATTENDANCE OF OTHER COUNTY COUNCILLORS

~~49.56.~~ Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chairman they will be entitled to speak once and for a maximum of ~~510~~ minutes on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.

~~50.57.~~ A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

~~51-58.~~ These provisions apply to Planning and Licensing Committee, subject to its Code of Best Practice, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

APPOINTMENTS TO COMMITTEES

~~52-59.~~ Any changes in membership must be notified to the Governance Team in Democratic Services no later than ~~4.10 am~~ on the day ~~before~~^{of} the relevant meeting. ~~(For the Health and Wellbeing Board, see paragraph 57 below)~~

~~53-60.~~ Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

SUBSTITUTE MEMBERS

61. Where a council member of a committee is listed as a member of a Political Group of the Council for the purposes of allocating committee seats, all other listed eligible members of that Group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. The substitute will not be able to exercise any special powers or duties exercisable by the person they are substituting.

62. Only the first eligible substitute to declare at the meeting may replace the absent member. The identities of the substitute and of the absent member, and the reasons for apology from the absent member shall be declared at the outset of the meeting and recorded in the minutes.

63. Named substitutes will be required for the committees set out in Part 4, Paragraph 3 of the Constitution.

POLICY COMMITTEE, AND COMMUNITIES AND PLACE COMMITTEE AND HEALTH SCRUTINY COMMITTEE

~~54-64.~~ When exercising statutory scrutiny functions, the Committee may invite people to discuss issues of local concern and/or answer questions. They may for example wish to hear from residents and representatives of other organisations.

HEALTH AND WELLBEING BOARD

~~55-65.~~ Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:-

- a. To take the place of the ordinary member for whom they are substituting where the ordinary member will be absent for the whole of the meeting

- b. After the Proper Officer has been officially notified in writing by the organisation wishing to make the substitution.

PLANNING AND LICENSING COMMITTEE

56-66. The Committee will comply with its Code of Best Practice

57-67. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Licensing Committee.

PERSONNEL COMMITTEE

58-68. That Trade Union representatives be entitled to speak but not to vote at meetings of Personnel Committee.

GOVERNANCE AND ETHICS COMMITTEE

59-69. The Council's Procedure for Dealing with Conduct Allegations sets out who is entitled to speak on items relating to Councillor Conduct at meetings of Governance and Ethics Committee.

OTHER

70. Placards, banners, advertising materials and similar items are not permitted in any committee meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the meeting.

60-71. Members of the public should remain seated during any debate and not do anything to endanger the health and safety of any person.

61-72. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not , although oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting.

62-73. Mobile phones and other electronic devices must be switched to silent.