

C2. Committee Procedure Rules

1. INTRODUCTION & PURPOSE

- 1.1.** The Rules in this Chapter regulate the business of the Committees and may be cited as the Committee Procedure Rules. They also apply to any Sub-Committee with any such qualification or modification as may be specified or evident from the context.
- 1.2.** The purpose of these Rules is to ensure that the Committees: -
 - 1.2.1. Function smoothly and efficiently;
 - 1.2.2. Reflect the political balance of the Council as whole, as far as possible and in accordance with the law;
 - 1.2.3. Act as a place at which Members, including those who are not on the particular Committee, are able to raise matters of concern;
 - 1.2.4. Enhance the quality & transparency of decision-making, especially in respect of [ExecutiveCabinet](#) Functions;
 - 1.2.5. Are accessible directly to Local Residents.

2. APPOINTMENTS TO COMMITTEES

- 2.1.** Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council, in accordance with the legislation and rules on political balance.
- 2.2.** Any Member on a Committee may give notice to the Proper Officer of [theirhis or her](#) resignation from a particular Committee of which [they arehe/she is](#) on.
- 2.3.** A Group Leader may request, and the Proper Officer shall give effect to, the removal from a particular Committee of a Member belonging to [their his or her](#) Political Group, subject to the Group Leader also requesting that an alternative Member belonging to [theirhis or her](#) Political Group be appointed to that Committee.
- 2.4. Co-Option of Non-Members**

The Overview and Scrutiny Committee, the Audit, Governance & Standards Committee, or any sub-committee of either, shall be entitled to recommend to Council the appointment to it of people as co-optees.
- 2.5. Members as Substitutes on Committees**

- 2.5.1. For each Committee, any Member who is not a Member of that Committee may act as a Substitute on that Committee for a seat allocated to their political group.
- 2.5.2. A Member who acts as a Substitute on a Committee may sit at meetings of that Committee in place of a Member on that Committee belonging to the same Political Group ("Full Member"), where that Full Member is either absent from that meeting or opts to attend that meeting as a Visiting Member instead.
- 2.5.3. A Member attending a meeting as a Substitute will have all the powers and duties of a Member ordinarily on that Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting for.

~~2.5.4. Members may attend meetings as Substitutes only;~~

~~2.5.5. if the substitution is notified to the proper officer or the Chairman before the meeting begins;~~

~~if the Full Member arrives after the substitution has been made, and opts to take their seat~~his or her seat~~, and no other Full Members belong to that Political Group are absent, the substitution shall end and the Member attending as a Substitute shall cease to sit on the Committee and shall be deemed a Visiting Member.~~

3. CHAIRING OF COMMITTEES

3.1. Committee Chairmen and Vice ~~Chair~~Vice Chairman to be Committee Members

No Member may serve as the Chairman or ~~vice-Chair~~Vice Chairman of any Committee unless ~~they~~he/she ~~are~~is on that Committee. Where a Member serves as Chairman or ~~vice-Chair~~Vice Chairman of a Committee, and then ceases to be on that Committee, ~~they~~he/she shall cease to be the Chairman or the ~~vice-Chair~~Vice Chairman (as the case may be).

3.2. Policy Advisory Committees

- 3.2.1. The Chairman of each Policy Advisory Committee for the Municipal Year shall be the appointed by the Committee. The Committee may revise this appointment during the course of the Municipal Year.
- 3.2.2. The ~~vice-Chair~~Vice Chairman of each Policy Advisory Committee shall be elected by the Members on that Committee at their first meeting of the Municipal Year using the following procedure.

The purpose of this procedure is to give preference to Members who belonging to non-Administration Political Groups.

- (a) Nominations will open firstly to Members on the Committee who belong to non-Administration Political Groups.
- (b) Should more than one Member be nominated at this stage, there shall be a vote amongst all Members on the Committee to elect the ~~vice-Chair~~Vice Chairman from those nominated.
- (c) Alternatively, should just a single Member be nominated at this stage, the Member so nominated shall be declared elected ~~vice-Chair~~Vice Chairman.
- (d) Alternatively, should no Members be nominated at this stage, nominations will then be opened to all Members of the Committee and a ~~vice-Chair~~Vice Chairman elected accordingly.

3.3. Overview and Scrutiny Committee

- 3.3.1. The Chairman of the Overview & Scrutiny Committee shall be elected by Members on that Committee at their first meeting of the Municipal Year using the following procedure. The purpose of this procedure is to give preference to Members belonging to the largest non-Administration Political Group.
 - (a) Nominations will open firstly to Members on the Committee who belong to the largest non-Administration Political Group.
 - (b) Should more than one Member be nominated at this stage, there shall be a vote amongst all Members on the Committee to elect the Chairman from those nominated.
 - (c) Alternatively, should just a single Member be nominated at this stage, the Member so nominated shall be declared elected as Chairman.
 - (d) Alternatively, should no Members be nominated at this stage, the process shall be attempted again with nominations opened to Members on the Committee belonging to all non-Administration Party Groups.
 - (e) Should this stage also fail to attract any nominations, the process shall be attempted again with nominations opened to all Members on the Committee.
- 3.3.2. The ~~vice-Chair~~Vice Chairman of the Overview & Scrutiny Committee shall be elected by the Members on the Committee at their first meeting of the Municipal Year with nominations open to all Members on the Committee (save for the Chairman).

3.4. Other Committees

All other Committees shall elect a Committee Chairman and a ~~vice-Chair~~Vice Chairman at the first meeting of the Municipal Year with nominations open to all Members on the Committee.

3.5. Vacancies Arising

A vacancy arising during the Municipal Year in respect of a Committee Chairman or ~~vice-Chair~~Vice Chairman shall be filled using the same procedure for appointment or election applying at the beginning of the Municipal Year with any election taking place at the next meeting of the Committee.

3.6. Chairing Meetings

3.6.1. The Committee Chairman shall chair each meeting of that Committee. In ~~their~~ his or her absence, the ~~vice-Chair~~Vice Chairman shall chair the meeting unless the ~~vice-Chair~~Vice Chairman opts to remain at the meeting but not take the chair.

3.6.2. Where the Committee Chairman is both absent from a meeting of the Committee, and the ~~vice-Chair~~Vice Chairman is also absent or is present but opts not to take the chair, and the meeting is nevertheless quorate, then: -

- (a) The Members on the Committee who are present shall elect of their number to chair the meeting;
- (b) Should the Committee Chairman or a previously absent ~~vice-Chair~~Vice Chairman subsequently arrive, ~~they~~he/she shall take the chair for the remaining duration of the meeting and the Member elected in (a) shall vacate the chair.

3.6.3. The process in Rule 3.6.2(a) shall apply where either the Committee Chairman or the ~~vice-Chair~~Vice Chairman has been chairing a meeting but had to leave resulting in both being absent or in the Chairman being absent and the ~~vice-Chair~~Vice Chairman opting not to take the chair.

4. HOLDING OF MEETINGS

4.1. Ordinary meetings of the Committees shall be held according to a calendar of meetings agreed by resolution of the Council.

4.2. The Proper Officer may, after consulting the Chairman and ~~vice-Chair~~Vice Chairman of a Committee, cancel or postpone any meeting of that Committee.

- 4.3.** The Proper Officer may, after consulting the Chairman and ~~vice-Chair~~Vice Chairman of a Committee, call a special meeting of that Committee.
- 4.4.** The Proper Officer shall call a special meeting of a Committee where one is requested by:
- 4.4.1. the Chairman;
 - 4.4.2. Full Council; or
 - 4.4.3. The Monitoring Officer.
- 4.5.** The Proper Officer shall call a special meeting of a Committee where: -
- 4.5.1. At least three (3) Members on that Committee sign a requisition for such a meeting; and
 - 4.5.2. The requisition specifies matters for consideration that are within the terms of reference or competence of that Committee, and are: -
 - (a) sufficiently urgent such that it would be un-reasonable to wait until the next Ordinary meeting, or
 - (b) are of a size & significance relative to the forecast workload of the next Ordinary meeting such as to warrant a Special meeting.
- 4.6.** The Proper Officer shall call a meeting of the Overview & Scrutiny Committee within five (5) working days of the expiry of the call-in period.

5. NOTICE OF MEETINGS AND BUSINESS TO BE DISCUSSED

- 5.1.** The agenda for any Committee meeting shall be set following discussion between the Committee Chairman, the Vice-Chairman or in the case of Policy Advisory Committees the Lead Cabinet Member (s), and Officers.
- 5.2.** The agenda shall accommodate: -
- 5.2.1. For any Policy Advisory Committee, the Forward Plan set by the Executive Cabinet;
 - 5.2.2. For all Committees, any: -
 - (a) Member Agenda Item Requests,
 - (b) Motions referred to that Committee following Full Council,
 - (c) Previous resolutions of that Committee in respect of its Work Programme;
 - 5.2.3. In respect of the Overview & Scrutiny Committee, any: -
 - (a) Member Call-In,

(b) Any Member "call for action".

~~(b)(c)~~ The Forward Plan set by the Cabinet

5.3. Summons & Notice

- 5.3.1. The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five (5) Clear Days before a meeting (or if a meeting of a Committee or Sub-Committee is called at shorter notice, as soon as the meeting is called), the Proper Officer will publish on the Council's website and send a summons signed by them him/her electronically to every Member of the Council (or on request by post or by leaving it at their usual place of residence/other address).
- 5.3.2. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where not all of the reports are available with the summons they will be posted on the Council's website as soon as they become available and e-mailed or posted to Members.

6. MEMBER AGENDA ITEM REQUESTS

6.1. Any Member may ask that a particular matter is added as an item to the agenda of a Committee, subject to: -

- 6.1.1. The matter being relevant to the Committee's terms of reference;
- 6.1.2. Written notice of the request is provided to the Proper Officer by the ordinary deadline of 4pm, six (6) clear days before the meeting is to be held;
- 6.1.3. Notice may be accepted after closure of the ordinary deadline where, in the opinion of the Committee Chairman and Vice-Chairman and relevant Lead Cabinet Member, the Member is able to demonstrate that the matter: -
 - (a) Only came to their his or her attention around or after the ordinary deadline; and
 - (b) It is of an apparent immediacy or is likely to command sufficient public concern, that it cannot wait until the meeting of the Committee after the next one.
- 6.1.4. The matter should not be such that it is judged by the Committee Chairman and Vice-Chairman and Cabinet Member(s) in the case of Policy Advisory Committees, in

agreement, as being defamatory or offensive or otherwise unlawful, having consulted the Proper Officer and the Monitoring Officer.

- 6.2.** A Member Agenda Item Request may also be contained within a requisition signed by three (3) Members on a Committee requesting a special meeting.
- 6.3.** Where an item is added to the agenda of a Committee as a result of a Member Agenda Item Request:
 - 6.3.1. The Committee shall be able to debate the principles of the matter, with or without Officer input.
 - 6.3.2. The Member raising the Member Agenda Item Request shall have the right to both introduce the item and the right to reply to the debate at its conclusion as the last speaker on the item. This shall apply even where that Member is attending as a Visiting Member.
- 6.4.** There is no expectation for Officers to provide a report concerning a Member Agenda Item Request ahead of the meeting at which the item is first discussed. Where one is provided however, the Committee has the freedom to deal with the matter like any other agenda item supported by an Officer's report.
- 6.5.** Where a Member Agenda Item Request leads to consideration of the item by a Committee without an Officer's report, the Committee may only: -
 - 6.5.1. For any type of Committee, resolve to request that an Officer's report be provided to a future meeting of the Committee, on which occasion it may then be debated and dealt with by the Committee as any other agenda item supported by an Officer's report.
 - 6.5.2. For a Policy Advisory Committee, request that an Officer's report be prepared and submitted with the item directly to the [Executive Cabinet](#) for consideration.
 - 6.5.3. Conclude the debate with no further action agreed for the time being.

7. ATTENDANCE AT MEETINGS

7.1. Committees Generally

- 7.1.1. A Committee shall be clerked by a Democratic Services Officer.

- 7.1.2. A Committee may invite such further Officers as are necessary for the presentation of Officer Reports or to inform discussion in respect of agenda items.
- 7.1.3. A Committee may invite a third party to attend a meeting to speak and answer questions on a particular item on the agenda.
- ~~7.1.4. An item on the agenda may be deferred if the Committee agrees that a third-party contribution to the discussion is necessary.~~

~~7.2. At Overview & Scrutiny Committee~~

- ~~7.2.1. The Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member on the Executive, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:~~
- ~~(a) any particular decision or series of decisions;~~
 - ~~(b) the extent to which the actions taken implement Council policy; and/or~~
 - ~~(c) their performance~~
- ~~and it is the duty of those persons to attend if so required.~~
- ~~7.2.2. The appropriate "senior Officer" shall be identified following consultation with the Chief Executive.~~
- ~~7.2.3. Where any member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the member or Officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or Officer in question.) The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.~~
- ~~7.2.4. Where, in exceptional circumstances, the member or Officer is unable to attend on the required date, then the Overview and~~

~~Scrutiny Committee shall in consultation with the member or Officer arrange an alternative date for attendance.~~

7.3.7.2. Visiting Members

~~7.3.1.7.2.1.~~ At each meeting of each Committee, it shall be an early agenda item for the ~~Chairman Member chairing the meeting~~ to ask any Visiting Members to introduce themselves and state the agenda item(s) to which ~~they/he/she~~ intend to speak on speaking.

~~7.3.2.7.2.2.~~ Subject to Rules 7.3.3 & 7.3.4 below, any Member may attend any meeting of a Committee or Sub-Committee in order to speak on particular items provided ~~they/he/she~~ specifies those items at the point in the meeting when Visiting Members are asked to introduce themselves.

~~7.3.3.7.2.3.~~ No other Member except for those on the Committee may attend and/or speak on: -

- (a) Panels or sub-committees of any Member body relating to employment functions;
- (b) hearings in respect of individual applications before the Licensing Committee or Sub-Committee, other than to observe proceedings only for training purposes with leave of the ~~Member chairing~~ Chairman the meeting having consulted the legal officer attending;
- (c) the Hearings Sub-Committee of the Audit, Governance and Standards Committee when it is considering allegations of misconduct; or any other panel hearing or appeal.

~~7.3.4.7.2.4.~~ To speak on an item at the Planning Committee, notice must be given to the Proper Officer by 4pm on the preceding working day.

~~7.3.5.7.2.5.~~ Visiting Members speak after the Officer introduction on an item, but before the general debate.

~~7.3.6.7.2.6.~~ Having spoken, the Visiting Member will not participate further unless:

- (a) the ~~Member chairing~~ Chairman the meeting agrees, or
- (b) the item arises from a motion that the Visiting Member moved at Full Council, or the item arises from a Member Agenda Item Request raised by that Visiting Member, in which event the Visiting Member shall have a right to reply at the end of the debate and immediately before any motion is put to the vote.

- 7.3.7 Where the committee resolves to exclude the press and public any visiting member shall be entitled to remain at the discretion of the chairman if they are he/she is satisfied, on the advice of the Monitoring Officer or their representative at the meeting, that the Visiting Member has a need to know in respect of the item being considered by the committee in private.

8. CONDUCT OF COMMITTEE MEETINGS

8.1. Quorum

The quorum of a meeting will be at least one quarter of the whole number of Members provided that: -

- 8.1.1. the quorum of the Trustee Committee is not less than three (3) Members;
- 8.1.2. the quorum of the Overview & Scrutiny Committee is not less than five (5) Members;
- 8.1.3. the quorum of any other Committee is not less than four (4) Members; and
- 8.1.4. The quorum of a Sub-Committee is not less than two (2) Members. Although, some panels and sub-committees may have a quorum of three (3).

8.2. Standing Items

Before any substantive items are considered, where appropriate, the following items shall be considered at each meeting of any Committee: -

- 8.2.1. Apologies for absence;
- 8.2.2. Notification of substitute Members sitting;
- 8.2.3. Disclosures of interest;
- 8.2.4. Declarations of lobbying from interested parties or objectors in respect of any particular agenda item;
- 8.2.5. Minutes of the previous meeting(s);
- 8.2.6. Any petitions, in accordance with Rule 9;
- 8.2.7. Any Questions on Notice from Local Residents;
- 8.2.8. Any Questions on Notice from Members.

Save that petitions and questions maybe omitted at the first meeting of the Municipal Year if convened only for the purpose of electing the Chairman and/or ~~vice-Chair~~Vice Chairman.

8.3. Recording of Meetings

- 8.3.1. Any member of the public or press attending meetings of the Council may record such meetings in open session using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media. Anyone filming a meeting is asked to focus only on those actively participating
- 8.3.2. Recording of any part of a meeting held in closed session is not permitted.
- 8.3.3. All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.

8.4. Exclusion of the Public & Press

In accordance with the Access to Information Procedure Rules, a Committee meeting: -

- 8.4.1. Shall go into closed session where Confidential Information is to be discussed
- 8.4.2. May go into closed session where Exempt Information is to be discussed

in relation to an item.

This means that the press and members of the public shall be excluded from the meeting.

8.5. Duration of Meetings

- 8.5.1. Each unfinished meeting will adjourn at 10.30 pm unless a majority of Members present vote to extend the meeting to 11.00 pm at which time the meeting will stand adjourned;
- 8.5.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those Members present, or if no decision is reached, by the [Executive Cabinet](#) in the case of a Policy Advisory Committee or the Proper Officer in the case of any other Committee, and it should normally take place within ten (10) working days of the meeting.

8.6. Removal of member of the public

If a member of the public interrupt's proceedings, the [Member chairing Chairman](#) ~~the meeting~~ will warn the person concerned, and will order their removal from the meeting room should they continue to

interrupt.

8.7. Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the ~~Member chairing~~[Chairman the meeting](#) may call for that part to be cleared and may adjourn the meeting and/or re-convene elsewhere.

8.8. Minutes

8.8.1. The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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.

8.8.2. 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 meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

8.8.3. Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with Rule 9.

9. PETITIONS AT COMMITTEES

9.1. Appendix A of the Council Procedure Rules on the Council's Petitions Scheme sets out the nature of those petitions received by the Council that are to be considered by a particular Committee. [In accordance with Appendix A, petitions cannot be presented to Policy Advisory Committees.](#)

9.2. No more than three (3) petitions may be presented per meeting.

9.3. Where a petition is presented: -

9.3.1. Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition, be a Local Resident and be a supporter of the body submitting the petition. This may include someone acting for that petitioner in a professional capacity.

9.3.2. A debate will take place on the petition.

~~9.3.3.—The petitioner will have an opportunity to speak for a further period of three (3) minutes responding to the issues raised in the debate.~~

~~9.3.4.~~9.3.3. Where the petition relates to another item on the agenda, the matter should then be dealt with alongside that other agenda item.

~~9.3.5.~~9.3.4. Where the petition is not dealt with by another item on the agenda, the Committee may resolve: -

(a) To request an Officer's Report be provided to a future meeting of the Committee;

~~(b) —Where the petition pertains to an Executive Function, to request that an Officer's report be prepared and submitted with the item directly to the Executive for consideration;~~

~~(c)~~(b) To conclude the debate with no further action agreed for the time being.

9.4. Petitions which are not to be presented in person at a meeting of the pertinent Committee will be reported to it. Debate and determination shall take place as per Rule 9.3 above, save that there will be no speeches by a presenter.

10. QUESTIONS ON NOTICE

10.1. At Ordinary meetings of any Committee, save for a meeting called at the start of the Municipal Year to elect a Committee Chairman and/or ~~vice-Chair~~Vice Chairman, there shall be: -

10.1.1. A 30-minute session for Local Residents; followed by

10.1.2. A 15-minute session for Members

to pose Questions on Notice concerning the business of the Council.

[This rule does not apply to meetings of the Policy Advisory Committees, Planning Committee and Licensing Act 2003 Sub-Committee.](#)

10.2. The questions may be asked of the Chairman ~~Member chairing the meeting and any Lead Member who sits on the Committee.~~

10.3. Appendix B of the Council Procedure Rules on Questions on Notice shall apply to meetings of the Committees. It sets out the process for giving notice of such questions prior to the Committee meeting and record keeping subsequent to the meeting.

10.4. Order of Questions

Questions will be asked of the relevant Members in the order that notice of them was received, except that the Chairman Member chairing the meeting may group together similar questions.

10.5. Posing a Question at the Meeting

The Chairman Member chairing the meeting will invite the questioner to ask put their question. to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman Member chairing the meeting to put the question on their behalf, in which event the answer given by the Chairman relevant Member shall also be written and sent to the questioner.

10.6. Supplementary Questions

A questioner who has put a question in person may also put one supplementary question without notice to the Chairman Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman Member chairing the meeting may reject a supplementary question if it would not have been allowed as a Question on Notice or because it does not arise directly out of the question or reply.

10.7. Nature of Reply

The form and content of reply to an original or a supplementary question will be at the discretion of the Chairman Member giving the reply, unless in respect of an original question a written request has been received specifying a specific form of reply or replies. They/He/she may decline to give a full or any reply if in their his or her opinion to do so would involve an unreasonable amount of labour or cost.

11. COMMITTEE DEBATE

11.1. This Rule 11 applies to Committees generally save that Rule 14 takes precedence in respect of the proceedings of the Planning Committee.

11.2. Order

For any item on the agenda of a Committee meeting, the order of speaking shall be: -

11.2.1. Public speaking by Local Residents;

11.2.2. Any introduction to the item, typically by an Officer but by the relevant Member in the case of a Member Agenda Item Request;

11.2.3. Statements by Visiting Members;

11.2.4. Questions, statements and/or motions by Members on the Committee.

11.3. Public Speaking by Local Residents

Local Residents may speak to an agenda item at a Committee meeting subject to: -

11.3.1. Notice of wishing to speak on a particular item must be given to the Proper Officer by no later than 4pm one clear working day before the meeting.

11.3.2. Public speaking under this Rule shall take the form of making a statement only. Any questions from Local Residents should be made using the procedure in Rule 10.

11.3.3. The total time for Local Residents speaking on an item on the agenda is twelve (12) minutes; within that twelve (12) minute period, each speaker has a maximum of three (3) minutes.

11.3.4. In addition to the twelve (12) minutes, a Parish or Town Council representative may be allocated a maximum of three (3) minutes each; where there are several speakers, they will be asked to appoint a spokesperson to represent all views.

~~11.3.4.~~11.3.5. Where public speaking takes place at a Policy Advisory Committee, the relevant Cabinet Member for the issue may exercise a right of reply, to respond to the speaker directly.

11.4. Statements & Questions by Members on the Committee

Contributions by Members on the Committee may include statements, questions to the Officers present for the item, motions, amendments, procedural motions, and points of order.

Where questions are posed to the Officers present, the ~~Member chairing~~Chairman~~the meeting~~ shall invite those Officers to provide answers. Where matters are raised in statements that are not covered by the Officer's report, the ~~Member chairing the meeting~~Chairman shall invite the Officers to comment.

11.5. Motions

Any motion must be proposed and seconded, including where recommendations are made within any Officer's report. Once a motion has been proposed and seconded, no other motion may be moved until that earlier motion has been dealt with.

11.6. Amendments

Any motion maybe subject to reasonable amendment with the agreement of the Committee and/or the Members proposing & seconding the motion.

11.7. Procedural Motions

A Member on the Committee may move any reasonable procedural motion, with a seconder. A procedural motion shall be dealt with immediately once it is moved and seconded.

11.8. Points of Order

A Member may raise a point of order at any time. The ~~Member chairing~~~~Chairman~~~~the meeting~~ will hear them immediately. A point of order may only relate to an alleged breach of the Constitution or the law. The Member must indicate the Provision, Rule or law and the way in which ~~they~~ ~~he/she~~ consider it has been broken. The ruling of the ~~Member chairing~~~~Chairman~~~~the meeting~~ on the matter will be final.

11.9. Right of Reply

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote

12. VOTING AT COMMITTEES

12.1. Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

12.2. If there are equal numbers of votes for and against, the ~~Member chairing~~~~Chairman~~~~the meeting~~~~at the time~~ will have a second or casting vote, regardless of whether ~~they~~ ~~he/she~~ ~~have~~~~has~~ used ~~their~~ ~~his~~ ~~or~~ ~~her~~ first vote. There will be no restriction on how this casting vote is used.

12.3. Unless a recorded vote is demanded under Rule 12.4, the ~~Member chairing~~~~Chairman~~~~the meeting~~ will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

12.4. If three (3) Members present at the meeting so request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

12.5. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

12.6. When voting on any appointments, if there are more than two people nominated for any position to be filled and there is not a clear majority

of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

13. PROVISIONS RELATING TO THE OVERVIEW AND SCRUTINY COMMITTEE REPORTS BY THE OVERVIEW & SCRUTINY COMMITTEE

13.1. Member and Officer Attendance

13.1.1. The Overview and Scrutiny Committee or sub-committee may scrutinise, and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member on the Executive, the Chief Executive and/or any Senior Officer to attend before it to explain in relation to matters within their remit:

- (a) Any particular decision or series of decisions;
- (b) The extent to which the actions taken implement Council policy; and/or
- (c) Their performance

and it is the duty of those persons to attend if so required.

13.1.2. The appropriate "Senior Officer" shall be identified following consultation with the Chief Executive.

13.1.3. Where any Member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving them at least 10 working days' notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the Member or Officer in question). The notice will state that nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that document.

13.1.4. Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer, arrange an alternative date for attendance.

13.2. Reports of the Overview and Scrutiny Committee

~~13.1.0.~~13.2.1. In exercising its policy development remit, the Overview and Scrutiny Committee will prepare a formal report containing its recommendations. This will be submitted to the Proper Officer for consideration by: -

- ~~(a)~~ (a) the executiveCabinet if the proposals are consistent with the existing budgetary and policy framework, and/or
- ~~(b)~~ (b) the Council as appropriate e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework.

13.2.2. The report of the Overview and Scrutiny Committee shall be considered by the Council or by the ExecutiveCabinet at its next appropriate meeting following submission to the Proper Officer Chief Executive, or such longer time scale as the chairman of the Overview and Scrutiny Committee may agree.

13.2.3. If the Proper Officer refers an Overview and Scrutiny Committee report to the Council, they shall also serve a copy to the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview and Scrutiny Committee on a matter which would have an impact on the budget & policy framework, it shall also consider the response of the Cabinet on the Overview and Scrutiny proposals.

13.3. Protocol for dealing with Overview and Scrutiny Review Reports once submitted to the Cabinet

13.3.1. Where a report's recommendations cover the portfolio of more than one Cabinet Member portfolio, the Cabinet Member principally responsible, will assume responsibility for soliciting a response to those recommendations from any other relevant Cabinet Members on the Cabinet and including it in the response. When a report is submitted to the Cabinet, the Leader of the Council will assume responsibility for co-ordinating a response. The report will usually be presented by the Chairman of the Overview and Scrutiny Committee.

13.3.2. If the Cabinet or the appropriate Cabinet Member substantively accepts the recommendations of the Overview and Scrutiny Committee they will respond in writing within four weeks of receiving the report. If the response period falls within or shortly after a significant holiday period or an election then the period may (with the consent of the Overview and Scrutiny Chairman)

be extended in order to give the Cabinet (or the appropriate Cabinet Member) sufficient time to consider the report.

13.3.3. If the Cabinet or the appropriate Cabinet Member does not substantively accept the recommendations the matter will be referred to the next meeting of the Cabinet for debate. The Cabinet will then debate the issue and the relevant Cabinet Member will subsequently respond immediately in writing to the Overview and Scrutiny Committee.

13.3.4. The Overview and Scrutiny Committee will then consider the response at its next meeting and may request the Cabinet Member to attend the meeting. It will then forward any comments it may have on the response to the Cabinet or Cabinet Member for consideration. Having considered the comments of the Committee, the Cabinet or Cabinet Member will then formally adopt their response at their next meeting.

13.3.5. If the recommendations of the report have a significant impact on the policy framework or budget, it will be necessary for the report of the Overview and Scrutiny Committee to be submitted to full Council together with the response of the Cabinet or Cabinet Member. The council will then determine the issue.

13.4. Call-In

13.4.1. When a decision (other than a Minor decision) is taken by the Cabinet, an individual Member on the Executive, a Committee of the Cabinet, or made by an Officer with delegated authority from the Cabinet, or an Area Committee or under Joint Arrangements, that decision shall be notified to all Members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.

13.4.2. That 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 (5) working days after publication of the decision unless it is called in.

13.4.3. During that period the Proper Officer shall call in a decision for scrutiny by the Committee if so requested by:

- (a) The Chairman of the Overview and Scrutiny Committee; or
- (b) Any three (3) Members of the Council.

Such a request must be made in writing and must state the reason the call-in is believed to be necessary, and the desired outcome of the decision's review.

- 13.4.4. On receipt of such a request within five (5) working days of publication of the decision, the Proper Officer shall notify the decision-taker of the call-in and shall within five (5) working days of the expiry of the call-in period, call a meeting of the Overview and Scrutiny Committee. Pending that meeting, the decision shall stand deferred and shall not be implemented. At that meeting, the Members calling in the decision should make themselves available for questioning and will be able to take part in the debate as non-voting Members of the Committee if they are not a Member of the Committee.
- 13.4.5. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision.
- 13.4.6. If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Meeting.
- 13.4.7. If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the Rule 13.3.8 below. However, if the Council does object, it has no locus to make decisions in respect of an Cabinet decision unless it is contrary to the policy framework, or contract to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 13.4.8. If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.
- 13.4.9. A decision-making person or body can be required to reconsider any particular decision only once.

13.5. Call In and Urgency

13.5.1. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of decision and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one and therefore not subject to call in. The Lead Cabinet Member should ensure that such matters are considered at pre-decision stage by a Policy Advisory Committee where it is reasonable to do so. The decision shall be regarded as reasonable in all the circumstances and be treated as a matter of subject to the agreement of the Mayor and by the majority of the political group leaders on the Overview and Scrutiny Committee Chairman. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Proper Officer, together with the reasons for urgency.

~~13.1.3.~~13.5.2. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

14. PROVISIONS RELATING TO THE PLANNING COMMITTEE

14.1. Call-in to Planning Committee

14.1.1. The following may call-in the determination of a Planning Application: -

- (a) A Ward Member of a Ward that the proposed development would have an impact upon;
- (b) The Parish Council of a Parish that the proposed development would have an impact upon;
- (c) A neighbourhood forum with an adopted or post examination Neighbourhood Plan.

14.1.2. The request for the application to be heard by the Planning Committee must be made in writing to the Proper Officer or the Case Officer to whom the application is assigned prior to the expiry of the Call-in Window.

14.1.3. For Rule 14.1.1 (a), the Call-in Window shall be the period of twenty-one (21) days from the date of the weekly list advising them of the application.

- 14.1.4. For Rule 14.1.1 (b), the Call-in Window shall be for a minimum period of twenty-one (21) days of the date of the letter of consultation advising them of the application.
- 14.1.5. For Rule 14.1.1 (c), the Call-in Window shall be for a minimum period of twenty-one (21) days of the date of the weekly list advising them of the application.
- 14.1.6. For Rules 14.1.1 (b) and (c), the Call-in Window shall extend to the period of six (6) weeks unless such a delay in exercising the call-in is likely, in all the circumstances known at the time of receipt, to cause a failure to determine the application in time, where that failure would not have occurred had the call-in been exercised within twenty-one (21) days.

14.2. Referral of Enforcement Matters to the Planning Committee

- 14.2.1. A Member may use a Member Agenda Item Request to refer to the Planning Committee an act or omission of the Council in respect of enforcement following an alleged breach of planning control.
- 14.2.2. Such a request may be rejected by the Proper Officer, in consultation with the Committee Chairman and ~~vice-Chair~~Vice Chairman where: -
 - (a) Enforcement issues in respect of the matter complained of has already been addressed at the Committee, the Committee took no action and requested no further update, and there have been no clear material developments that might reasonably lead to a different conclusion by the Committee;
 - (b) The matter complained of is the subject of an extant planning application, an appeal before the Planning Inspector, or proceedings have been issued in the Courts, unless the Chairman and ~~vice-Chair~~Vice Chairman judge that the matter nevertheless warrants discussion.
- 14.2.3. The procedure further differs from other Member Agenda Item Requests: -
 - (a) Where reasonable notice is given of the Member Agenda Item Request, Planning Officers should endeavour to provide a short report.
 - (b) The Member raising the matter, unless themselves a Member on the Planning Committee, is limited to addressing the meeting with a single three (3) minute statement.

14.3. Public speaking at Planning Committee meetings

14.3.1. If a planning application is to be determined by the Planning Committee and a speaker wishes to address the Committee in respect of that application, they/he/she must give notice of that request to the proper Officer by 4 p.m. on the working day before the relevant meeting.

14.3.2. The following speakers will be allowed to address the Committee for each planning application or enforcement matter (except exempt reports) in the following order: -

(a) **Parished Areas**

An Objector	A petitioner, or a representative of a Residents' Association or Amenity Group, or an individual objector.
A representative of the appropriate Parish Councils	Where a representative of the Parish Council does not register to speak, a concerned resident may speak with the Chairman's discretion.
*The applicant or <u>their his/her</u> representative	The applicant or <u>their his or her</u> representative (incl. a supporter), or a petitioner, or a representative of a Residents' Association or Amenity Group.

(b) **Non-Parished Areas**

A representative of a Residents' Association/Amenity Group	Where a representative of a Residents' Association or Amenity Group does not register to speak, a concerned resident may speak with the Chairman's discretion.
An Objector	A petitioner, or a representative of a second Residents' Association or Amenity Group, or an individual objector.
*The applicant or <u>their his or her</u> representative	The applicant or <u>their his or her</u> representative (including a supporter), or a petitioner, or a representative of a second or third Residents' Association or Amenity

	Group.
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* The applicant or ~~their his or her~~ representative would have priority.

- 14.3.3. In order to avoid repetition, a petitioner may present a petition but the appropriate speaker slot will be forfeited. A petitioner may speak for three minutes.
- 14.3.4. Each category of speaker will be limited to three (3) minutes to address the Committee. ~~They~~ ~~He/she~~ will not be allowed to ask a supplementary question, make a supplementary statement and will not be cross examined. Also, no written material or photographs may be handed out at the meeting.
- 14.3.5. When more than one person wants to speak for or against a planning application or more than one amenity group or organisation or residents' association wishes to speak for or against a planning application, the first person or group to register their wish to speak will be afforded that right. However, the Proper Officer shall keep a reserve list of speakers for each application. If, at the meeting the original speaker is not in attendance, a speaker from the reserve list, depending on if the original speaker was a supporter or objector, i.e. an objector replaces an objector, taken in the order which they registered their right to speak shall be invited to address the Committee.
- 14.3.6. In addition to the public speakers above, Visiting Members may address the Planning Committee for three (3) minutes on individual matters but should give the same notice of their intention to speak to the Head of Policy, Communications and Governance as members of the public. If they do not do so, the application will not be brought forward on the agenda.
- 14.3.7. Visiting Members should sit away from the body of the Committee.
- 14.3.8. An objector or applicant may be represented by an agent at the Committee.

14.4. Visiting Members –Planning Committee

In respect of the Planning Committee, if a visiting Member gives the requisite notification to the Proper Officer by 4.00 p.m. on the day

preceding the meeting, the Chairman shall seek to give the relevant application some priority in the meeting, otherwise the application will be dealt with in the normal course of the meeting.

14.5. Deferral of planning decisions

It is likely that from time to time the Planning Committee will defer a decision to a future meeting of the Committee, in order to enable the Officers to report back on any areas of concern raised by the Committee. Minor applications should only be deferred if there is a need for additional information or if there are disputed facts within the report, otherwise they should be determined as reported with the proviso that there may be occasions when the Planning Officers may seek deferral/withdrawal of an application or to implement the agreed procedures for dealing with cases where they believe that the proposed reasons for refusal are unsustainable. On the second occasion that the matter is discussed at Committee, a decision must be made.

14.6. Planning Decisions which have significant cost implications

14.6.1. If during consideration of an application, after a motion has been proposed and seconded, the Head of Planning and Development or their representative, in consultation with the Legal Officer present at the meeting, believes that the Planning Committee's reasons to justify refusal/the imposition of conditions would not be sustainable at appeal and would more likely than not cause significant costs to be incurred by the Council because of unreasonable behaviour, then they will inform the Committee that if the motion is agreed it will stand deferred to the next meeting of the Committee. Following the vote, if the motion is agreed the decision will be deferred to the next meeting of the committee. The Committee itself may also agree to defer consideration of an application for the same reasons.

14.6.2. For the purposes of this rule significant cost is defined as the Chief Finance Officer's virement limit set out in the Financial Procedure Rules within this Constitution and relates to any punitive award of costs granted against the Council by the Planning Inspectorate or Secretary of State for unreasonable behaviour.

~~14.6.3.~~ For the purposes of this Rule 14.6, unreasonable behaviour is defined as set out in the National Planning Guidance and/or any Guidance issued by the Planning Inspectorate or Secretary of State.