

# **PART 5**

## **COMMITTEE PROCEDURE RULES**

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### **1. SCOPE**

These rules apply to all Committees and Sub Committees appointed by the Council.

### **2. MEETINGS OF COMMITTEES**

2.1 The meetings of Committees shall be held on the dates set out in the calendar of meetings approved by the Council.

2.2 If the Chair of a Committee considers that the day fixed for a Committee meeting is no longer suitable for that purpose or there is insufficient business to justify the holding of that meeting, they shall, after consultation with the Leaders of Political Groups and the Managing Director cancel the holding of that meeting and, if appropriate, fix an alternative day for the holding of that meeting.

2.3 The Chair of a Committee may call an extra-ordinary meeting of their Committee at any time.

2.4 If the Chair does not call an extra-ordinary meeting of the Committee after a requisition for that purpose, signed by at least three Members of the Committee, has been presented to them then the three Members of the Committee, may forthwith require the Managing Director to summon an extra-ordinary meeting to discuss the matters referred to in the requisition to the Chairman.

2.5 Unless otherwise specified by a Committee or by the Chair of the Committee meetings shall be held at the Guildhall, Worcester commencing at 7.00 p.m.

### **3. THE CHAIR AND VICE CHAIR OF COMMITTEES**

3.1 The Chair of a Committee shall preside over meetings of that Committee.

3.2 Any powers and duties assigned to the Chair of a Committee under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice Chair.

3.3 Where both the Chair and Vice Chair are absent from a meeting the Committee shall as the first item of business at that meeting appoint another Member of the Committee to act as Chair for that meeting and that person shall, for the duration of that meeting, be entitled to exercise all the powers and duties of the Chair under these Committee Procedure Rules in relation to that meeting.

4. **QUORUM**

- 4.1 No business shall be transacted at a meeting of a Committee unless at least one third of the whole number of Members of the Committee or three, whichever is the greater are present.

5. **SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES**

- 5.1 Not less than five clear working days before the date of a meeting of a Committee the Democratic and Civic Services Manager shall send to all Members of the Committee a summons and agenda for the meeting.

- 5.2 No business other than that specified in the summons and the agenda shall be transacted at meeting of the Committee except urgent items

6. **MINUTES**

- 6.1 At any meeting of a Committee the Chair shall put the question that the Minutes submitted to the meeting be approved as a correct record of that meeting.

- 6.2 Following approval of the Minutes the Chair will sign the minutes and shall allow discussion of any matters arising from the Minutes.

7. **VOTING**

- 7.1 Any question at any meeting of any Committee shall be determined by show of hands by a majority of the Councillors and co-opted Members (where they are entitled to vote) present and voting.

- 7.2 Where immediately after a vote is taken any Councillor requires, there shall be recorded in the Minutes whether that person cast their vote for the question or against the question or whether they abstained from voting.

- 7.3 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

8. **SUBSTITUTES**

- 8.1 Any Councillor who is a Member of a Political Group may nominate a Councillor who is a member of the same Political Group and who is not a member of that Committee or other body, to attend in their place any particular meeting of that Committee or other body. In the absence of a Councillor this right to nominate a substitute may be exercised by the Group Leader and any such substitute Member shall be deemed to be a Member of that Committee or other body with full voting rights for the duration of the meeting at which they are acting as substitute.

- 8.2 Any Councillor who is not a member of a Political Group may nominate

a Councillor who is not a member of a Political Group and who is not a member of that Committee or other body to attend in their place any particular meeting of that Committee or other body and any such substitute member shall be deemed to be a member of that Committee or other body with full voting rights for the duration of the meeting at which they are acting as substitute.

- 8.3 Substitution will only be effective if, before the meeting, the Democratic and Civic Services Manager has received a written notice signed by the Councillor appointing the substitute (or the leader of their political group), of the meeting to which it relates and the substitute member.

## 9 **ATTENDANCE OF COUNCILLORS AT MEETINGS**

- 9.1 Any Councillor shall be entitled to attend any meeting of a Committee but shall not be able to vote unless they are a member of that Committee or acting as a substitute.

- 9.2 Any Councillor attending such a meeting who is unable to vote shall be entitled to speak on any matter on the Agenda for the meeting which affects their Ward and may speak on any other matter at the discretion of the Chair.

- 9.3 Any Councillor may request the Monitoring Officer in writing to have considered by any Committee any matter relevant to the terms of reference of that Committee and the Monitoring shall place an appropriate item on the agenda of the first available meeting of that Committee and the Councillor shall be entitled to speak on that item. The Chair of the Committee shall be advised of the request from a Councillor to place an item on the Agenda.

## 10. **PUBLIC PARTICIPATION**

- 10.1 Provision shall be made on the agenda of each meeting of the Committees for members of the public to participate. The provisions of this Committee Procedure Rule shall not apply to the consideration by the Planning Committee of applications under Town and Country Planning legislation for planning permission or listed building consent or to the consideration by the Licensing Committee of applications relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within its terms of reference.

- 10.2 A member of the public for the purposes of this Committee Procedure Rule shall include a member of a body or organisation representing that body or organisation but shall not include any employee of the Council in relation to any matter connected with his employment; any representative of an employee or group of such employees; any person in a contractual relationship with the Council in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority, or (unless the

Chair determines otherwise) any person appointed or engaged to speak on behalf of another.

10.3 Unless the body to whom the representations are made (or in the circumstances of a particular case the Chair of that body at their discretion) determines otherwise:-

10.3.1 member of the public (or their representative) in each case speaking for no more than five minutes may

(i) present a petition on any matter relating to the functions of the Committee

(ii) ask a question on any matter relating to the functions of the Committee

(iii) make a comment on any matter on the agenda of the Committee .

10.3.2 The total period available for public representations shall not exceed fifteen minutes.

10.4.1 Any member of the public wishing to participate at a Committee meeting shall notify the Democratic and Civic Services Manager no later than 4.30 p.m. on the working day before the date of the meeting and indicate the nature and content of their participation.

10.4.2 Any petition shall be received by the Chair without response.

10.4.3 Any question shall be directed at the Chair who may reply orally at the meeting, or in writing following the meeting or who may decline to reply; or who may ask an Officer so to reply on his or her behalf.

10.4.4 No response shall be made to comments at the time but members of the Committee may allude to them in the course of the consideration of the relevant item.

10.4.5 The Chair shall have the right to decide whether (because of the availability of time, or for any other reason) a member of the public is invited to participate in pursuance of this Committee Procedure Rule, notwithstanding that the member of the public in question has complied with the requirements of this Committee Procedure Rule.

10.4.6 This Committee Procedure Rule shall not apply in any case where Committee Procedure Rule 6 or 7 apply.

## 11. **PUBLIC REPRESENTATIONS - PLANNING COMMITTEE**

11.1 The provisions of this Committee Procedure Rule shall only apply to the consideration by the Planning Committee of applications under Town and Country Planning legislation for planning permission, listed building consent, Prior Approval Applications or conservation area

consent

- 11.2 Any interested person, body or organisation or their representative ('an interested person') shall be entitled to speak during the consideration of planning applications in accordance with the following provisions:-
- 11.3.1 Applicants or their agents are only permitted to speak at the Planning Committee meeting if one or more person wishes to speak to object to the application being granted.
- 11.3.2 An interested person wishing to speak shall notify the Democratic and Civic Services Manager no later than 4.30 p.m. on the working day before the date of the meeting at which the planning application is to be considered. Any written or pictorial material, which an interested person making oral representations wishes to be considered, must be lodged with the Democratic and Civic Services Manager by the deadline for registering to make representations. An interested person making representations shall not be permitted to present to the Committee any written or pictorial material which has not been lodged with the Democratic and Civic Services Manager by the deadline.
- 11.3.3 The following procedure shall apply in respect of each planning application in respect of which an interested person has registered a wish to speak in accordance with Committee Procedure Rule 11.3.2:-
- (i) introduction of item by Officers;
  - (ii) representations by Objectors;
  - (iii) representations by Applicant and any supporters; and
  - (iv) consideration of application by Councillors, including report by Officers on any points raised and the clarification by the Chair of any points made in the public representations.
- 11.3.4 No more than five minutes will be allowed for speeches in support and speeches against each application provided that:
- (i) where more than one objector to or supporter of an application wishes to speak the Chair may if they consider it convenient and conducive to the despatch of the business of the meeting require that a spokesperson be appointed to represent the voices of the objectors or supporters as the case may be
  - (ii) the Chair may vary the order of representation if they consider that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.
- 11.3.5 The Chair may suspend the operation of this Committee Procedure Rule during the consideration of any application or for the remainder

of the meeting if they consider it necessary so to do for the purpose of maintaining order at the meeting.

- 11.3.6 All persons who make planning applications and all objectors to those applications shall be provided with information regarding the scheme of public representation contained in this Committee Procedure Rule including a statement advising such persons that Applicants and/or their agents are only permitted to speak at the Committee meeting if one or more person wishes to speak to object to the application being granted.
- 11.3.7 Neither Applicants nor objectors shall have any rights to make representations at site visits carried out by the Planning Committee.
- 11.3.8 Where a planning application is deferred from one meeting of the Planning Committee to another and the Planning Committee has already considered representations from an interested person in accordance with this Committee Procedure Rule, then neither Applicants nor Objectors shall have any right to make representations at the further consideration of the planning application at a subsequent meeting, unless the Chair of that meeting considers that there have been significant amendments to the application.

## 12. **PUBLIC REPRESENTATIONS - LICENSING COMMITTEE**

- 12.1 The provisions of this Committee Procedure Rule shall only apply to consideration by the Licensing Committee of any matters relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within its terms of reference including the terms and conditions to be attached to the same.
- 12.2 The applicant (or any representative on their behalf) shall be given an opportunity to make representations to the Committee and call any witnesses. The following persons shall also be permitted to make representations to the Committee:-
- (i) members of the public;
  - (ii) Councillors who are not members of the Committee or acting as substitutes;
  - (iii) representatives of the Police or Fire Authority;
  - (iv) Council Officers.
- 12.3 All persons who make representations to the Committee may be asked questions by members of the committee or by other persons making representations.
- 12.4 After everyone else has made representations and answered questions, the applicant shall be permitted to make a final statement to the Committee, after which everyone shall withdraw except the members of the Committee and the representatives of the Monitoring Officer while the Committee considers its decision. The decision will be announced to the applicant and the other persons who have made

representations and confirmed in writing by the Proper Officer to the applicant.

- 12.5 The Monitoring Officer shall be authorised to produce detailed Procedure Notes for the different types of applications considered by the Licensing Committee incorporating the principles set out in this Committee Procedure Rule.

13. **RULES OF DEBATE**

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

14. **RULES OF DEBATE FOR COMMITTEE MEETINGS**

14.1 **Speaking at Committee Meetings**

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

14.2 **Content of Speeches**

A Member shall speak on the question under discussion or a personal explanation or to a point of order.

14.3 **Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Committee Procedure Rules it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

14.4 **Secunder's Speech**

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

14.5 **Amendments to Motions**

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

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

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



#### 14.6 **Two or More Amendments**

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

#### 14.7 **Position if an Amendment is Lost or Carried**

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

#### 14.8 **Withdrawal of Motion**

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

#### 14.9 **Alteration of Motion**

A Member may, with the consent of their seconder, alter a motion or amendment which they proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment thereto.

#### 14.10 **Motions Which May be Moved During Debate**

When a motion is under debate no other motion shall be moved except the following:-

- (i) To amend the motion
- (ii) A closure motion under the next paragraph
- (iii) That a Member be not further heard;
- (vi) By the Chair that a Member do leave the meeting;
- (v) A motion to exclude the public and press.

#### 14.11 **Closure Motions**

A Member who has not spoken on the subject under discussion may without comment at the conclusion of a speech of another Member move one of the following closure motions

- (i) **"that the meeting proceed to next business"**
- (ii) **"that the question be now put"**
- (iii) **"that the debate be now adjourned" and**
- (iv) **"that the meeting do now adjourn"**

Closure motions take precedence over other business, other than points of order, and shall, if seconded be put to the vote immediately without discussion. If a closure motion is carried the mover of the motion, and if appropriate the mover of the amendment, have a right of reply and the motion or amendment is then to be put.

**14.12 Resumption After Adjournment**

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

**14.13 Points of Order or Personal Explanations**

A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall only call attention to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall briefly refer in the form of a question to the Mayor to the relevant Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some part of a speech by them which may appear to have been misunderstood

**14.13 Ruling on Points of Order**

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

**14.14 Irrelevance, repetition and limitation on speakers**

In speaking to any motion or amendment members are to confine their remarks strictly to such motion or amendment and shall not introduce irrelevant matters or indulge in needless repetition. The Chair's ruling on this is final.

If three speakers have spoken consecutively in support of, or in opposition to a motion, the Chair may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the Chair, announce whether they are speaking in support of, or against the motion or amendment being debated. .

**14.15 Officers of the Council**

Officers of the Council may speak during a debate at the Committee meetings

**14.16 Oral Reports**

With the consent of the Chair Officers may make an oral report on a matter of importance and urgency.

15. **DISORDERLY CONDUCT**

15.1 If at a meeting any Member of the Council or co-opted Member, misconducts themselves by persistently disregarding the ruling of the chair, or behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "that the Member named be not further heard" or "that the Member named do forthwith leave the meeting", and the motion if seconded shall be put and determined without discussion.

15.2 **Use of electronic media by members**

Social or electronic communications media may not be used in meetings dealing with regulatory matters and in Personnel and General Purposes Committee or when confidential items are being debated.

In other cases, there is no restriction on use of social or electronic communications media unless otherwise indicated by the Chair of the Committee or the Monitoring Officer. Where members use social or electronic communications media, they should not do so in such a manner as to give rise to the impression that they are not concentrating on the debate in question. Use of such media should not identify by name officers below service manager level and any comments made should show respect for members and officers present at the meeting. Breach of this rule is a breach of the Code of Conduct.

15.3 **Continuing Misconduct by a Named Member**

If the Member or co-opted Member so named continues such misconduct after a motion that they be not further heard under the foregoing paragraph has been carried and in the opinion of the Chair such continued misconduct renders the due and orderly despatch of the meeting's business impossible, the Chair shall

**EITHER** move "that the Member named do forthwith leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

**OR** without question adjourn the meeting for such period as they consider expedient.

16 **GENERAL DISTURBANCE**

In the event of general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in them may adjourn the meeting for such period as they consider expedient.

16.1 A Member or Members of the Council or co-opted Member so named in a motion carried under this Committee Procedure Rule shall comply with such motion.

17. **DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the room in which the meeting is being held. In case of general disturbance in any part of the room in which the meeting is being held open to the public the Chair shall order that part to be cleared.

18. **AUDIO RECORDING, FILMING, VIDEO RECORDING PHOTOGRAPHY ETC**

The taking of photographs, films, video or sound recording at any meeting shall not be prohibited. Any person wishing to record the proceedings of a Council meeting is advised to contact the Democratic and Civic Services Manager in advance of the relevant meeting to make suitable arrangements for the recording.

19 **VOTING ON APPOINTMENTS**

When there are more than two persons nominated for any position to be filled by a body acting on behalf of the Council and of the votes given there is not a majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

20 **RESCISSION OF RESOLUTIONS**

20.1 No resolution taken at a previous meeting of Committee shall be rescinded or varied within the same Municipal Year unless notice has been given on the agenda for the meeting of the intention of the body to reconsider the matter.

21 **RECORD OF ATTENDANCES**

21.1 Every Member of the Council and co-opted Member attending a meeting of a Committee shall sign their name in the attendance book or sheet

22 **VACANCIES OWING TO NON-ATTENDANCE OF MEMBERS**

Any Member or co-opted Member of a Committee (excluding substitute Members) who shall be absent from the meetings of such Committee for a period of six calendar months, shall be deemed to have vacated their seat on that Committee, and the vacancy shall be filled in the like manner as the original appointment was made; provided, nevertheless, that such Member or co-opted Member shall be eligible for re-election.

Any vacancies arising under this Committee Procedure Rule shall be immediately notified to the Committee concerned by the Democratic and Civic Services Manager.