

# Procedure Rules for Committees and Sub-Committees

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# Procedure Rules for Committees and Sub-Committees

## Rule No. 1 - Rules Of Debate For Committees And Sub-Committees

### Respect for Chair

- 1.1 When the Chair rises during a debate, any Member then speaking must immediately stop and the Committee/Sub-Committee must be silent.

### Speaking

- 1.2 A Member, when speaking, must address the Chair and all other Members must remain silent UNLESS making a point of order or in personal explanation.

### Chair to decide order of speaking

- 1.3 If two or more Members indicate their wish to speak, the Chair will call on one to speak and the other (or others) must wait to be called.

### Motion or Amendment - Procedure

- 1.4 Before a Motion or amendment can be discussed:
- (a) it must be proposed and seconded;
  - (b) if the Chair so requires, it must be put in writing by the proposer and handed to the Chair.

### Content of Amendment

- 1.5 An amendment must relate to the Motion and either:
- (a) leave out words;
  - (b) add or insert words; or
  - (c) leave out words and add or insert words.

### Content of Speech

- 1.6 A Member's speech must be directed solely to that matter under discussion.

### Length of Speech

- 1.7 A Member may not speak for more than five minutes, except by consent of the Chair.

### When a Member may speak again on a Motion

- 1.8 A Member who has spoken on any motion must not speak again until the debate on the motion has finished EXCEPT:
- (a) to speak once on an amendment moved by another Member;
  - (b) if the motion has been amended since the Member last spoke, to move a further amendment;
  - (c) if the Members' first speech was on an amendment moved by another Member, to speak on the main issue, whether or not that amendment was carried;
  - (d) in exercise of a right of reply given by paragraphs (1.19) or (1.20) of this Procedure Rule;
  - (e) on a point of order or by way of personal explanation (in accordance with paragraph (1.21)(a) of this Procedure rule);
  - (f) to move or speak on a procedural motion set out in sub-paragraph (b), (g) or (h) of paragraph (1.13) of this Procedure Rule.

A Member, when seconding a motion or amendment, may reserve his/her right to speak until later in the debate.

### **Debate on Amendment**

- 1.9 Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 1.10 The Chair of the Committee may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the business BUT each amendment must be voted upon separately.
- 1.11 If an amendment is lost a further, different, amendment may be moved.
- 1.12 If an amendment is carried, the motion as amended takes the place of the original motion and becomes the motion upon which any further amendments may be moved.

### **Motions which may be moved during debate**

- 1.13 When a motion is being debated, the only other motions which may be moved (either singly or combined and with any necessary added words) are:
- (a) to amend the motion;
  - (b) to adjourn the meeting;
  - (c) to adjourn the debate;
  - (d) to move on to the next business;
  - (e) to put the question immediately to the vote;
  - (f) not to hear a Member further;
  - (g) by the Chair to require a Member to leave the meeting;
  - (h) to exclude the public from the Meeting under Section 100A(4) of the Local Government Act 1972;
  - (i) to extend the time limit for speeches;
  - (j) to give any consent required by these Procedure Rules.

### **Closure Motions**

- 1.14 At the conclusion of a speech of another Member, a Member may move without comment that:
- (a) the debate be adjourned;
  - (b) the Meeting be adjourned;
  - (c) the Council proceed to the next business; or
  - (d) the question be put.

If the motion be seconded the Chair shall proceed as follows if in his/her opinion the question before the meeting has been sufficiently discussed:

- (a) in the case of a motion under (a), (b) or (c) above, invite the mover of the original motion to reply and then put the closure motion to the vote or
  - (b) in the case of a motion under (d) above, put the closure motion to the vote.
- 1.15 If the motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

### **Amendment of Motion by Proposer**

- 1.16 A Member may with the consent of the Committee/Sub-Committee signified without discussion:
- (a) alter a motion of which the Member has given notice; or
  - (b) with the further consent of the seconder, alter a motion which the Member has moved if (in either case) the alteration is one which could be made as an amendment to the motion.

### **Withdrawal of Motion by Proposer**

- 1.17 A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Committee signified without discussion.
- 1.18 No Member may speak on a motion or amendment after the proposer has asked to withdraw it UNLESS permission has been refused.

### **Right of Reply - Proposer of Motion Only**

- 1.19 The proposer of a motion has the right to reply at the close of the debate on the motion immediately before it is put to the vote.
- 1.20 At the close of a debate on an amendment:
- (a) the proposer of the original motion has the right to reply;
  - (b) the proposer of the amendment has no right to reply.

### **Personal Explanation and Points of Order**

- 1.21
- (a) A personal explanation shall be confined to some material part of an earlier speech by the Member and on which a misunderstanding has occurred.
  - (b) A point of order is a request by a Member to the Chair to rule on an alleged irregularity in the constitution of or procedure in the meeting.
  - (c) A Member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the Chair on the matter; but -
    - (i) the Member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
    - (ii) in either case the Member's speech must be confined to the personal explanation or point of order.
  - (d) The ruling of the Chair on a personal explanation or point of order is not open to discussion.
  - (e) A right to reply on a point of personal explanation shall be permitted to those persons permitted to speak at Planning Applications Committee in accordance with its special procedure rules.

### **Disorderly Conduct**

- 1.22 If the Chair considers a Member's conduct disorderly and so states, then the Chair or any other Member may move "Not to hear a particular Member further" and, if seconded, the motion shall be put to the vote without discussion. Disregarding the ruling of the Chair, wilfully obstructing its proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 1.23 If the Member's disorderly conduct continues after the motion has been carried, the Chair shall
- EITHER
- (a) move to require the Member to leave the meeting in which case the motion shall be put to the vote without seconding or discussion.
- OR
- (b) adjourn the meeting to an appropriate time.

- 1.24 The Chair may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

### **Voting**

- 1.25 Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

- 1.26 Members will vote by either a show of hands or use of electronic voting equipment as otherwise agreed; but:
- (a) if a Member so requests before the Chair begins to take the vote, and the request is supported by one other Member;
    - (i) the Chief Executive or his/her representative will call the name of each Member;
    - (ii) the Member will respond, for or against the motion or abstaining; and
    - (iii) the Chief Executive or his/her representative will record each Member's response.
  - (b) where any Member so requires immediately after a vote has been taken, the Minutes must record that Member's vote for or against or abstention.

#### **Rule No. 2 - Quorum Of Committees And Sub-Committees**

- 2.1 Except where authorised by a statute or ordered by the Council, business shall not be transacted at any meeting unless at least one quarter of the Committee or Sub-Committee is present, provided that the quorum of a Committee or Sub-Committee shall not be less than three Members, except where the total membership is not more than three when the quorum shall be two.

#### **Rule No. 3 - Disturbance By Members Of The Public**

- 3.1 If a member of the public interrupts the proceedings at any Meeting the Chair shall issue a warning. If the interruption continues the Chair shall order their removal. In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.

#### **Rule No. 4 - Motions Affecting Persons Employed By The Council**

- 4.1 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any Council employee, the Committee or Sub-Committee must not discuss it until it has considered whether to exclude the public under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

#### **Rule No. 5 - Voting On Appointments**

- 5.1 Where there are three or more persons nominated for any position to be filled by the Committee or Sub-Committee, 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, until a majority of votes is given in favour of one person.

#### **Rule No. 6 - Record Of Attendances**

- 6.1 The names of the Members present at a meeting of a Committee or Sub-Committee shall be recorded on the attendance sheet provided.

#### **Rule No. 7 - Interest Of Members In Matters**

- 7.1 Any Member who has a personal interest in any matter must promptly disclose that interest, but may remain, speak and vote, unless the interest is also a prejudicial interest, in which case the Member must withdraw.

- 7.2 The District Council has adopted a Local Code of Conduct, a copy of the Code is attached to this Constitution. On accepting office all Councillors are required to declare that they will observe the Code.

### **Rule No. 8 - Attendance of Councillors at Meetings of Committees and Sub-Committees of Which They Are Not A Member**

- 8.1 A Member of the Council who is not a member of a particular Committee/Sub-Committee may with the permission of the Chair of that Committee or Sub-Committee be allowed to speak but not to vote during the consideration of any matter. Permission shall be sought and obtained prior to the meeting and be within the discretion of the Chair of the Committee/Sub-Committee to grant after a Member has provided a reasonable explanation as to why he/she considers it was necessary to make the request. All such requests and the Chairs decision are to be included in the record of the meeting.
- 8.2 Any Member shall be entitled to attend any meeting of a Committee or Sub-Committee to speak on any matter under consideration at the meeting which affects his/her Ward uniquely from other Wards.
- 8.3 Any Member of the Council may attend and speak at a Planning Applications meeting but must observe the Committee's rules for public speaking identified in Appendix 3 of these rules.

### **Rule No. 9 - Committee Agenda**

#### **Members Items**

- 9.1 A Member shall be entitled to have an item of business included in the agenda of the next meeting of any Committee or Sub-Committee provided that notice of the business to be included is given in writing to the Chief Executive no later than seven working days before the date of the meeting concerned. The Member concerned shall be entitled to attend the Meeting of the Committee or Sub-Committee and may speak on the item of business but may not vote.

#### **Order of Business**

- 9.2 A Committee and any Sub-Committee shall consider the following business;
- (a) minutes of last meeting;
  - (b) urgent items of business;
  - (c) declarations of interest;
  - (d) consideration of reports from the Cabinet or Overview and Scrutiny Panels;
  - (e) the business otherwise set out on the agenda for the meeting.

### **Rule No. 10 - Interpretation Of Procedure Rules**

- 10.1 The ruling of the Chair of the Committee or Sub-Committee as to the construction or application of any of these rules, or as to any proceedings of the Committee or Sub-Committee, shall not be challenged at any meeting of the Committee or Sub-Committee.

### **Rule No. 11 - Special Rules For Licensing And Regulatory Committee**

- 11.1 When considering general licence applications the Licensing Sub Committee will follow the procedure guidelines (Appendix 1) in order to allow public participation.

- 11.2 When considering Hackney Carriage/private Hire applications the Licensing Sub Committee will follow the procedure guidelines (Appendix 2).

**Rule No. 12 - Special Rules For Planning Applications Committee**

- 12.1 The Chair has the right to change the order of business in order to accommodate an applicant, objector, Member or Officer.
- 12.2 The Chair, will offer any applicant (or representative), objector and ward Member in attendance, an opportunity to speak on an application in accordance with the procedure guidelines (Appendix 3 attached). Public speaking will not be permitted when the Committee is considering enforcement items, breach of condition notices or any other proposed litigation.

**Rule No. 13 - Absence Of Procedure Rules**

- 13.1 In the absence of any alternative Procedure Rule, the Council's Procedure Rules, will apply.

# Procedure at hearings before the Licensing Sub-Committees

(Please read the notes at the end of this Procedure)

## Notice prior to the hearing

Before any hearing of the licensing sub-committee the Council will notify all parties of the hearing and will include a copy of this document setting out the procedure to be followed at the hearing.

## Conduct of the hearing

1. The Chair will introduce each of the Committee members and then each of the supporting staff
2. The Chair will ask each party to introduce themselves and their representatives
3. The Chair will indicate any housekeeping points including such information as fire exits, site visits and timing of the hearing.
4. The Chair will confirm that all the parties have a copy of this document setting out the procedure
5. The Chair will check with the Licensing Officer:-
  - (a) Whether any application has been made by any party for someone to represent them or speak for them at the hearing  
*If there are any, the Licensing Officer should give details of that request and any information that the applicant or relevant representatives have given as to why the person is required at the hearing.*  
If there are any the Committee should then decide whether it has any objections to the representative appearing as requested
  - (b) Whether the Council has asked the applicant or anyone who has made representations to clarify any point  
*If there are any the Licensing Officer should give details of the clarification requested.*

## Opening statement by the Applicant

6. The Chair will ask the Applicant if he wants to make an opening statement to the Committee.  
The Applicant has a maximum time limit of ten minutes (see notes)
7. The Chair will ask members of the Committee whether there are any points that they want to raise with the applicant or his representative (see notes).

## Opening statement by other parties

8. The Chair will ask each of the other parties in turn if they want to make an opening statement to the Committee.



*The order in which the Chair should ask the other parties (where relevant) is Police, Fire and Rescue Service, Environmental Health Officers, Social Services, Weights and Measures authority, Planning authority and then members of the public.*

The parties have a maximum time limit of ten minutes each (see notes).

9. **The Chair will ask members of the Committee whether there any points that they want to raise with the parties or any witness that they have produced (see notes).**

**Final statement by other parties**

10. **The Chair will ask each of the parties other than the applicant in turn if they want to make a final statement to the Committee.**

*The order in which each party will be asked to give a final address will be the opposite of the order in which they gave evidence and will be (where relevant) members of the public, Planning authority, Weights and Measures authority, Social Services, Environmental Health Officers, Fire and Rescue Services, and Police.*

The parties have a maximum time limit of five minutes each (see notes).

11. **The Chair will ask members of the Committee whether there any points that they want to raise with the parties (see notes).**

**Final statement by the Applicant**

12. **The Chair will ask the applicant if he wishes to make a final statement to the Committee.**

The applicant has a maximum time limit of five minutes for the address (see notes).

13. **The Chair will ask Members of the Committee whether there are any points they want to raise with the applicant. (see notes)**

**Conclusion**

14. **The Committee will then withdraw to make a decision on the matter with reasons which will be given before the end of the hearing.**

The notice of determination will be issued to the applicant and the parties as soon as possible after the hearing

## **NOTES**

- The parties referred to in the procedure are those parties who have received formal notification from the Council of the hearing. This will include the applicant and those who have made representations within the statutory time limit
- Every party is entitled to be represented at the hearing and any reference to a party or the applicant in the procedure shall include his representative if appropriate provided that the party has given the appropriate notice to the Council before the hearing
- The hearings will be held in public unless Members consider that it would not be appropriate in line with regulation 14(2)(3) of the Licensing Act 2003 (Hearings) Regulations 2005. The parties will be notified if this is the case.
- A hearing may proceed in the absence of the applicant or any of the parties if they have not arrived by the time given for the hearing and the Committee consider that it is appropriate to continue
- The parties should assume that the Committee have all read the Committee report and that the Committee does not require any further information in respect of matters referred to in the report, unless the Committee members specifically request that information
- Each party has ten minutes in which to make their opening statement. They should restrict themselves to the following matters
  - (a) Clarification of any matters of which the party was notified in writing by the Council
  - (b) Any information which is not included in the party's relevant representation and which the party would like to notify to the Committee
  - (c) Information from a witness where the Committee has agreed at 5(a) above that the witness can give evidence
- Each party will have five minutes in which to make their final statement
- If there is more than one objector to the application, the Chair may ask whether each objector wishes to be heard, or whether the objectors wish one of their number to speak for all of them.
- Each party has only the ten minutes or five minutes time limit. The time limit must include any evidence or statements which others make on behalf of the party.
- If a party continues over the time limit, the Chair will ask the party to finish their statement as soon as possible. Where an applicant or other party to the hearing is unable to comply with the specified limitations in which to make representations due to disability or physical incapacity then the Chair may exercise discretion to extend the time limit in which parties may make representations.
- The Licensing sub-committee members can ask questions of each party after either the original statement or the final statement. None of the parties are allowed to cross examine any other party or their witnesses. The Committee may agree that a party may ask a question (not cross examine) but this will only be in exceptional circumstances

- This procedure will apply to reviews as well as applications. In the case of a review, the person applying for the review will be the applicant. The licence holder will be treated as a party who has made a representation.
- In the case of the hearing of a review, the time limits for the opening statements and the final statements may be varied at the discretion of the Chairman, and will then apply to all parties equally. This variation may be confirmed to the parties before the hearing or may be considered by the Chairman at the hearing on an application by any of the parties.

**February 2008**

## **Hackney Carriage/Private Hire Vehicle Sub-Committee - Rules of Procedure when determining Licence Applications**

The Hackney Carriage / Private Hire Vehicle Sub Committee should be conducted in an informal manner. The rules as to evidence do not apply and evidence / statements made by applicants when interviewed are not given under oath. Nevertheless it is desirable that the Sub Committee has a well-defined rules of procedure to ensure that a fair and orderly hearing is given to all applicants. It should also be noted that the applicant has a right of appeal to the Magistrates court and procedures may be questioned. Bearing these points in mind, the following order of proceedings will apply:-

1. The Chair will ask the applicant to introduce him/her self and his/her legal representative (if any) and then will identify everyone in the room.
2. The Licensing Manager, or substitute, will then be invited to comment on the application.
3. Council members may then ask officers questions, followed by the applicant.
4. The applicant and or his/her legal representative will be asked to present his/her case for the grant, renewal of the licence.
5. Council members of the Sub Committee may ask questions of the applicant, followed by the Licensing Manager, or substitute.
6. The Licensing Manager, or substitute, will then be allowed to make a final statement, followed by the applicant, before the Sub Committee considers the application.
7. The applicant and any officers present will leave the room whilst the application is being considered. NB the councils legal representative, if present, will remain in order to record any decision and advice, if requested, on procedure / matters of law etc. They will take no part in the making of the decision.
8. If it is necessary to request any party to provide further information or clarify a point, all parties must be recalled.
9. Committee members should confine themselves to asking questions only when the applicant is present and must not indulge in any discussion on the merits of the application before adjourning to consider their decision.
10. When the Sub Committee has reached its conclusion all parties will be recalled and the Chair will inform the applicant of the decision and any conditions (if any) that have been attached to the licence, or the reasons for refusal.
11. The information will be given to the applicant in writing as soon as it is practicable together with rights of appeal.
12. The Chair will either close the meeting or proceed to the next item of business.

## **POINTS TO NOTE IN REACHING A DECISION**

1. A Licensing Authority must determine if an applicant is a “*fit and proper*” person. Such considerations may include:-
  - a) The Applicants character and previous convictions – Information provided by the Police
  - b) Health, Temper and disposition – Information provided by the applicants medical advisor
2. Conditions can be attached to licenses – such as shorter licence period.

## **APPEALS**

Applicants who are refused a licence or licence holders who are aggrieved by the imposition of any term, condition or restriction have a right of appeal to the Magistrates Court.

Thereafter, there is a further right of appeal to the Crown Court which may be exercised either by the Licence applicant if unsuccessful in the Magistrates Court, or by the licensing authority if the licence applicant is successful.

Further, if it is possible for the applicant or the licencing authority to appeal on a point of law or jurisdiction to the High Court.

## **Procedure Guidelines For Planning Applications Committee**

1. The Planning Applications Committee allows representations to be made by members of the public, applicants or their agents and Councillors, who are not members of the Planning Applications Committee. The circumstances of this participation are more fully defined in the Public Participation Scheme of Operation Note attached to these rules as an Annex.
2. The maximum number of speakers on any item is six (three speakers for; three speakers against) plus any ward member(s) who have indicated a wish to speak on that particular item. The Chair has discretion to vary this number in exceptional circumstances.
3. The procedure for consideration of an item shall be:
  - (i) The Chair of the Committee (the 'Chair') will introduce the item and advise the Committee of its application number and brief details of the proposals.
  - (ii) The Chair will invite any person present who wishes to make representations on the application to do so.
  - (iii) The Planning Officer will present his/her report on the application and respond to any representations made or questions asked by the applicant.
  - (iv) The item will be debated.
4. The Council's Legal Representative will be present during the whole of the consideration of an application and will, if he/she considers it necessary, advise the Committee on legal issues in the determination of the application.
5. At the end of the debate, the Committee may decide to approve or refuse a particular matter or defer it, if appropriate.

# **Public Participation at Meetings of the Planning Applications Committee**

## **SCHEME OF OPERATION**

Members of the public, applicants or Councillors (who are not members of the Planning Applications Committee), may ask questions, make statements or representations and present deputations or petitions referring to published Reports of the Planning Applications Committee. An agent may speak on behalf of any party. For clarity this shall **not** include reports on:-

- (i) Planning enforcement Items;
- (ii) Breach of Condition Notices;
- (iii) Any other proposed litigation; and
- (iv) Financial Interests.

## **General Principles**

- (i) Any representation shall be confined to the subject matter of the report.
- (ii) Written notice of a question or other matter may be given to the Chief Executive by 10.00 a.m. two full working days before the meeting. The notice shall be signed by the person wishing to speak and give details of the matter to be raised, or copy of the question, together with their address and telephone contact number.
- (iii) Any issue deemed by the Chief Executive or his representatives to be defamatory, derogatory or to relate to a specific Officer or Member will not be permitted and the speaker will be informed accordingly.
- (iv) A speaker will be allowed up to three minutes to speak on the matter. The Chair will have the discretion to extend the time in exceptional circumstances.
- (v) The Chair may respond on behalf of the Authority if necessary.
- (vi) If a person submitting a matter in writing is unable to attend the meeting, the question and answer shall be read out and a written answer provided to the questioner in the week following the meeting by the Planning Applications Manager.
- (vii) Where depositions and petitions prepared on behalf of a group of people are received only one person may be appointed to speak on behalf of the group.
- (viii) In the event of a number of independent persons wishing to make similar representations in respect of the same matter they will be asked to appoint a spokesperson.
- (ix) With the Chair's permission, Members or Officers will be allowed to ask questions of a speaker or a person presenting a deputation or a petition about appropriate points raised in it.

- (x) Any speaker may at the discretion of the Chair respond on a point of clarification or personal explanation confined to a material part of their earlier speech and on which a misunderstanding has occurred.
- (xi) Where the Committee considers a deferred item, public speaking will be permitted (including by those who spoke on the original matter) where new evidence or information is under consideration. Previous speakers, however, will not be permitted to restate evidence given at the consideration of the original matter.