

# **PART 4 – Council and Committee Procedure Rules**

## **General**

### **1. Introduction**

The purpose of these Procedure Rules is to set out the procedures which the Council will use in its decision-making.

### **2. Interpretation of Rules**

2.1 The ruling of the Chairman (or the Chairman of any Committee or Subcommittee insofar as applicable) as to the construction or application of any of these Rules, or as to any proceedings of the Council, Committee or Subcommittee shall not be challenged at the meeting.

2.2 In these Rules unless the context requires otherwise:

- a) any reference to an officer of the Council shall include the officer having the duties and responsibilities of that post from time to time, howsoever that officer may be termed;
- b) any reference to a Head of Service or Head of Paid Service followed by a description of any of the Council's services or functions shall be construed as a reference to the Head of Service or Head of Paid Service (as the case may be) for the time being having responsibility for that service or function;
- c) reference to any statutory provision or regulation shall include any statutory provision or regulation replacing the same;
- d) "Overview and Scrutiny Committee" means any committee (howsoever termed) whose terms of reference include the scrutiny of decisions, recommendations, or proposals of the Executive Committee.

2.3 Unless the Council has resolved otherwise, any action or thing required or authorised by these Rules to be done by any officer shall be proper if done by any other officer of the Council to whom he may have delegated that matter.

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### **3. Amendments**

- 3.1 These Rules shall not be amended, except by Council upon the report of an appropriate Committee.
- 3.2 No amendments shall be made to Rules prescribed by Regulations which for the time being are:
  - a) Rule 15 - Signing of the Minutes;
  - b) Rule 22 - Recording of votes.

### **4. Suspension of Procedure Rules**

- 4.1 Any Rules other than those mentioned in Rule 3.2 above may be suspended by Council so far as they relate to any business at the meeting where the suspension is moved and PROVIDED that:
  - a) Where notice has been given in accordance with Rule 11, the motion is approved by at least half of the members present at the meeting and voting; and
  - (b) where notice has NOT been given in accordance with Rule 11, the motion is approved by at least half of the members present at the meeting and voting, AND at least one half of all members of Council are present at the meeting.

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### **Council Meetings**

#### **5. Annual Meeting of Council**

There shall be an Annual Meeting of Council in May each year at a date to be fixed in advance. During a year of ordinary elections of councillors to the Council, the annual meeting shall be held on the eighth day after the retirement of councillors or such other day within the 21 days immediately following the day of retirement as the council may fix, at which the Council shall:

- a) elect the Chairman and Vice-Chairman of Council;
- b) appoint the Leader of the Council;
- c) appoint the Deputy Leader of the Council;
- d) appoint the Chairman (and Vice Chairman where applicable) and membership of Committees, sub-committees and Panels listed in Part 3 of the Council's Constitution – Responsibility for Functions.
- e) appoint such other committees as the Council may from time to time decide;
- f) consider and make appointments or nominations to serve on outside bodies, except that during an election year the making of such appointments may be deferred to the following ordinary meeting of Council.

#### **6. Meetings of the Council**

In addition to the Annual Meeting of the Council:

- a) meetings for the transaction of general business shall be held on such dates as the Council may decide;
- b) extraordinary meetings of Council may be held for the sole purpose for which it has been convened as soon as practicable at the request of:
  - (i) the Chairman of Council;
  - (ii) the Leader of the Council;
  - (iii) the Monitoring Officer; or
  - (iv) no fewer than 5 Members of Council who have signed and submitted to the Monitoring Officer a requisition giving details of the business to be transacted.

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#### **7. Chairman of Council Meetings**

- 7.1 Subject to 7.3 (below), the Chairman of Council, if present, shall preside at the meeting or, in his/her absence, the Vice-Chairman shall preside or, if both are absent then another member of the Council, chosen by the members present shall preside.
- 7.2 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 7.3 If the Chairman is so personally involved in the business under consideration, whether or not it requires the declaration of a personal interest under the Members' Code of Conduct (but without the need to leave the meeting), that the effectiveness of his/her role as Chairman may be impaired, he/she may at his/her discretion leave the Chair but remain and participate in the meeting as an ordinary member whereupon the Vice-Chairman shall preside, or in his/her absence another member chosen by the members present shall preside.

#### **8. Quorum of Council**

- 8.1 The quorum for Council shall, unless provided otherwise in any statutory enactment, regulation or other similar provision, be one quarter (10 councillors) of the total number of councillors.
- 8.2 If during any meeting of the Council the Chairman, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned.
- 8.3 The consideration of any business not transacted shall be adjourned to a date and time fixed by the Chairman when the meeting is adjourned, or if he/she does not do so, to the next ordinary meeting of the Council.

#### **9. Notice and Summons to meeting**

The Monitoring Officer will send a signed summons to every Councillor, at least 5 clear working days before a meeting. The summons will give the date, time and the place of each meeting and specify the business to take place, and will be accompanied by such reports as are available. A notice to inform the public of the date, time, place, and business of each meeting will also be made available on the Council's website.

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### **Council Meetings**

#### **10. Order of Business**

10.1 Except as otherwise provided by 10.2 (below), the order of business at every ordinary meeting of the Council shall be to:-

- a) choose a person to preside if the Chairman and Vice-Chairman are absent;
- b) receive any apologies for absence;
- c) invite and receive any declarations of interests by Members;
- d) deal with any business required by statute to be done before any other business of the Council;
- e) approve as a correct record and sign the minutes of the last meeting;
- f) receive any announcements from the Chairman;
- g) allow public participation including formal receipt of petitions;
- h) invite Questions to the Leader under Rule 13;
- i) deal with any outstanding business (if any) from the last meeting of the Council;
- j) deal with any business expressly required by statute to be done;
- k) consider any matter referred to Council from or by the Executive Committee;
- l) receive and consider reports and recommendations from other committees (including Overview and Scrutiny Committee);
- m) consider motions in the order in which notices have been received;
- n) consider any other business specified in the summons of the meeting.

10.2 Business falling under items 10.1 a, b, c, d, or e (above) shall not be displaced, but otherwise the foregoing order of business may be varied:

- by the Chairman at his /her sole discretion; or
- by a resolution passed on a motion (which need not be in writing) duly moved and seconded , which shall be put without discussion.

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#### **11. Notices of Motion**

- 11.1 Except as provided by Rule 12, no motion shall be moved at any meeting of Council unless notice thereof shall have been given:
- in writing;
  - signed by at least two members of the Council giving the notice (an email by the member or members giving notice would be regarded as sufficient for this purpose); and
  - delivered (or emailed) to the office of the Monitoring Officer by 10am on at least the sixth clear working day before the next ordinary meeting of the Council, not counting the day of the meeting/despatch.
- 11.2 No Member of the Council shall give notice of more than one motion for any one Council meeting.
- 11.3 Every motion shall be relevant to some matter in relation to which the Council has powers and duties.
- 11.4 The Monitoring Officer shall set out in the summons for every ordinary meeting of the Council, all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.
- 11.5 If a motion thus set out in the summons is not moved, either by:
- a member who gave notice thereof; or
  - some other member at the member's request and on his/her behalf;
- or
- with the concurrence of the Chairman of the Council,
- it shall be treated as withdrawn and shall not be moved without fresh notice.
- 11.6 Every motion of which notice has been duly given shall, upon being moved and seconded, stand referred without discussion to the relevant committee or sub-committee (if any) as determined by the Chairman of Council having regard to the subject matter of the motion and the recommendations of the said committee shall be reported to Council for determination.

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- 11.7 A member of the Council who has proposed a motion which has been referred to any committee shall be entitled to attend that Committee and to speak to the item.

#### **12. Motions and Amendments**

- 12.1 In relation to developing the budget framework and in order to meet the requirements of Section 25 of Local Government Act 2003, alternative budget or Council tax proposals must be lodged with the Head of Paid Service by 10am on the third working day prior to the meeting of the Executive Committee meeting scheduled to consider the budget (or any changes to it) and setting the Council tax.

- 12.2 In relation to any other matter; if a member knows in advance that they intend to move an amendment (whether to a notice of motion or any other recommendation to Council) or is thinking of doing so, they should make all reasonable efforts to inform the Monitoring Officer in advance of the meeting so that the implications of the amendment can be assessed. The Monitoring Officer will:

- a) treat such notification 'in confidence' if so requested;
- b) (unless it is 'in confidence') liaise with relevant officers and councillors as appropriate;
- c) suggest any revisions of the wording as may seem desirable; and
- d) ensure that a written copy of the amendment is available at the meeting.

- 12.3 The following motions and amendments may be moved without notice:-

- a) Appointment of a Chairman of the meeting at which the motion is made.
- b) Motions relating to the accuracy of the minutes.
- c) That an item of business specified in the summons is dealt with earlier in the meeting given.
- d) That any item of business be referred to a committee.
- e) That a committee be appointed in connection with any item mentioned in the summons to the meeting.
- f) Adoption of reports and recommendations of any committee or officer and any consequent resolutions.
- g) That leave be given to withdraw a motion.
- h) Extending the time limit for speeches.
- i) Amendments to motions.
- j) That the Council proceeds to the next business.

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- k) That the question be now put.
- l) That the debate be now adjourned.
- m) That the Council do now adjourn.
- n) Suspending any Procedural Rules, in accordance with Rule 4.
- o) Motions to exclude the public, under Section 100A (4) Local Government Act, 1972.
- p) That a member named under Rule 18 be not further heard or leave the meeting.
- q) That a recorded vote be taken in accordance with Rule 21.2

#### **13. Questions**

13.1 A member of the Council may ask the Leader of Council:-

- a) A single question on any matter in relation to which the Council has powers or duties or which affects the District, provided that written questions are submitted to the Monitoring Officer by 12 noon on the working day immediately preceding the day of the meeting. Exceptionally, questions may be submitted in writing before commencement of the meeting; or
- b) any question relating to **urgent business**, of which such notice has not been given; but a copy of the question shall, if possible, be delivered to the Monitoring Officer by 12 noon on the working day immediately preceding the day of the meeting. The Leader may decline to answer any question put under this sub-paragraph (b).

13.2 Every question shall be put and answered without discussion.

13.3 An answer may take the form of:

- a) a direct oral answer; or
- b) a reference to that publication where the desired information is contained in a publication of the Council; or
- c) a written answer circulated to members of the Council with the minutes of the meeting at which the question has been asked where the reply to the question cannot conveniently be given orally.



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- 13.4 A Member of the Council who has asked a question, in accordance with sub-paragraph 13.1(a) of this Rule, and who has received a direct oral answer, shall within 5 working days after the meeting, be supplied with a written copy of the answer.
- 13.5 Where a member of the public poses a question at a Council meeting then the Council must make a formal response to this question within 5 working days following the meeting having taken place.
- 13.6 Arising from the answers given to questions under paragraph 13.1 of this Rule, the questioner shall have the right to address a supplementary question.

#### **14. Minutes**

- 14.1 The Chairman shall put the question that the minutes of the meeting of the Council held on the ..... day of ..... be signed as a correct record.
- 14.2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

#### **15. Signing of Minutes (This rule may not be suspended by virtue of Article 16.1)**

Minutes of a meeting of the Council shall be signed at the same or next suitable meeting of the Council by the person presiding, except that such minutes should not be signed at extraordinary meetings of the Council but must instead be signed at the next ordinary meeting of the Council.

#### **16. Rules of Debate for Council Meetings**

##### **16.1 Proposing and seconding**

- a) 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 Rule 11, it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- b) A member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

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#### **16.2 Speaking**

- a) A member when speaking shall stand and address the Chairman<sup>1</sup>. If two or more members rise, the Chairman shall call on one to speak; the other or others shall then resume their seats. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.
- b) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
- c) No speech shall exceed five minutes except by consent of the Chairman.
- d) Whenever the Chairman rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.
- e) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - (i) In exercise of a right of reply given by Rule 16.6;
  - (ii) On a point of order;
  - (iii) By way of personal explanation;
  - (iv) to speak once on an amendment (and any subsequent amendments) moved by another Member(s);
  - (v) if the motion has been amended since he/she last spoke, to move a further amendment;
  - (vi) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried.

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<sup>1</sup> Health permitting/ at Chairman's discretion

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#### **16.3 Restriction on further motions**

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

- a) to amend the motion;
- b) to adjourn the debate;
- c) to adjourn the meeting;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chairman under Rule 18.2 that a Member do leave the meeting;
- h) a motion to exclude the public (which term includes the press);
- i) a request for a recorded vote pursuant to Rule 21.2

#### **16.4 Amendments**

- a) An amendment shall be relevant to the motion and shall be either:
  - to refer a subject of debate to a committee for consideration or reconsideration; or
  - to leave out words; or
  - to leave out words and insert or add others; or
  - to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new motion or of negating the motion before the Council.

- b) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with.

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- c) If an amendment is rejected, 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.

#### **16.5 Withdrawal of motion**

- a) A member may with the consent of the Council signified without discussion:-
  - alter a motion of which notice has been given; or
  - with the further consent of the seconder alter a motion which has been moved:
  - if (in either case) the alteration is one which could be made as an amendment thereto.
- b) A motion or amendment may be withdrawn by the mover with the consent of the seconder and the Council, which shall be signified without discussion. No member may speak upon any motion or amendment after it has been withdrawn.

#### **16.6 Right of reply**

- a) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote;
- b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment;
- c) The mover of the amendment shall have no right of reply to the debate on the amendment;
- d) A Member exercising a right of reply shall not introduce a new matter;
- e) After every reply to which this paragraph 16.6 refers, a decision shall be taken without further discussion.

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### Council Meetings

#### 16.7 Procedure on certain motions

Upon any of the following motions being moved and seconded, the Chairman shall, if satisfied as indicated below, proceed as follows:

- a) ***“that the Council proceed to the next business”*** - If the Chairman is satisfied the matter has already been sufficiently discussed:
  - (i) the mover of the original motion shall have a right of reply;
  - (ii) the motion to proceed to next business shall then be put to the vote without further discussion.
  
- b) ***“that the question be now put”*** - If the Chairman is satisfied the matter has already been sufficiently discussed and that the member proposing has not already spoken:
  - (i) the motion that the question now be put shall be put to the vote without further discussion; and if that motion is passed
  - (ii) the mover of the original motion shall have a right of reply in accordance with Rule 16.6;
  - (iii) the original motion (or amendment as the case may be) shall then be put to the vote without further discussion;
  - (iv) where the motion voted on in accordance with (iii) above was an amendment, the original motion (as amended) shall be put to the vote without further discussion or amendment.
  
- c) ***“that the meeting be adjourned”*** or ***“that the debate be adjourned”*** - If the Chairman is satisfied the matter has **not** been sufficiently discussed and cannot reasonably be discussed sufficiently on that occasion the motion for adjournment shall be put to the vote without further discussion or any right of reply by the mover of the original motion.

## **PART 4 – Council and Committee Procedure Rules**

### **Council Meetings**

#### **16.8 Point of Order / Personal explanation**

- a) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith.
- b) A point of order shall relate only to an alleged breach of a Rule or statutory provision and the way in which the Member considers it has been broken.
- c) A personal explanation shall be confined to some material part of a former speech by that Member which may appear to have been misunderstood in the present debate.
- d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### **17. Motions Affecting Persons Employed by the Council**

If any question arises at a meeting as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such a question shall not be the subject of discussion until the Council (or committee) has decided whether or not to exclude the press and public under the provisions of Section 100A(4) Local Government Act 1972.

#### **18. Disorderly Conduct**

18.1 If at a meeting any Member of the Council, in the opinion of the Chairman who has the absolute authority to control that meeting, misconducts himself/herself by:

- persistently disregarding the ruling of the Chairman;
- behaving irregularly, improperly, or offensively; or
- wilfully obstructing the business of the Council

the Chairman or any other member may move "That the Member named be not further heard" and the motion, if seconded, shall be put and determined without discussion.

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18.2 If the Member named continues his/her misconduct after the motion under the foregoing paragraph has been carried, the Chairman may:-

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

OR adjourn the meeting of the Council for such period as the Chairman exercising discretion shall consider expedient.

18.3 In the event of general disturbance, which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman in addition to any other power vested in him/her may, without putting the question to the meeting, adjourn the meeting of the Council for such period, as he/she shall consider expedient.

#### **19. Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If they continue the interruption, the Chairman may order their removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public, the Chairman may order that part to be cleared. The Chairman has the absolute authority to control the meetings and members of the public.

#### **20. Rescission of Previous Resolution**

20.1 Subject to Rule 20.3 hereof,

- no motion to rescind (or which would have the effect, however worded, of negating) any resolution passed within the preceding six months; and
- no motion or amendment to the same effect as one which has been rejected within the preceding six months,

shall be proposed unless notice thereof has been given in pursuance of Rule 11 signed by at least one third of the members of the Council.

20.2 When any such motion or amendment referred to in Rule 20.1 (above) has been dealt with by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

20.3 This Rule 20 shall not apply to motions moved in pursuance of a recommendation of a committee.

## **PART 4 – Council and Committee Procedure Rules**

### **Council Meetings**

#### **21. Voting**

- 21.1 The Chairman shall ascertain the numbers voting for, against or abstaining from the vote and his/her declaration as to the result shall be conclusive.
- 21.2 Where any Member proposes that a recorded vote be taken on any motion, a recorded vote shall be taken if at least one fifth of the Members present and entitled to vote shall be in favour.

#### **22. Recording of Votes (This rule may not be suspended by virtue of Article 16)**

- 22.1 Where immediately after a vote is taken (other than a recorded vote) and any Member so requires, the minutes of the proceedings of that meeting shall record whether that Member voted for or against the question, or abstained from voting.
- 22.2 Immediately after any vote on the budget calculation or precept is taken at a budget decision meeting of the council there must be recorded in the minutes of the proceedings of that meeting the names of persons who cast a vote for the decision or against the decision or who abstained from voting.



## **PART 4 – Council and Committee Procedure Rules Executive Committee**

### **23. Proceedings of the Executive Committee**

#### **23.1 Procedure Rules apply**

Except as otherwise provided in these rules, all Procedure Rules applicable to Committees shall apply to the Executive Committee.

#### **23.2 Attendance of Members at Executive Committee**

- a) No substitute members shall be permitted at the Executive Committee.
- b) Members may attend and speak at Executive Committee meetings, with the prior consent of the Chairman.

#### **23.3 Decision making at Executive Committee**

- a) Any matter delegated to the Executive Committee shall be determined by that Committee collectively or by a Sub-Committee of the Executive Committee or any officer to whom the matter is further delegated, but no decision shall be taken by the Leader, Portfolio Holder, or any other Member acting alone.
- b) The quorum of the Executive Committee shall be 3 Members.

#### **23.4 Working Parties and panels**

- a) The Executive Committee may not co-opt any other person to be a Member of that Committee although they may invite other Members or persons to attend its meetings, as it considers appropriate.

## **PART 4 – Council and Committee Procedure Rules**

### **Executive Committee**

#### **24. Call-in procedure**

- 24.1 Democratic Services shall make available to all Members of Council:
- a) a copy of the agenda for each meeting of the Executive Committee and any supporting reports in respect of all matters for determination (including monitoring reports) at least 5 clear working days before the date of that meeting; and
  - b) the minutes of the Executive Committee or Planning Committee meetings as soon as possible (usually within 2 working days) after each meeting.
- 24.2 Decisions of the Executive Committee shall not have effect or be implemented for a period of 5 working days after the date of the meeting (not counting the day of the meeting and excluding weekends and Bank Holidays).
- 24.3 If, during the said period of 5 working days, any 5 Members of Council (collectively or individually) notify the Monitoring Officer in writing (including by email) that they wish a decision (other than in respect of referred planning applications) to be called in for scrutiny, the Monitoring Officer, in consultation with the Chairman of Council and the Chairman of the Overview & Scrutiny Committee, will check the applicability of the call-in request against the criteria set out in Rule 24.5 Protocol for Use of Call-in Procedure. Any disagreement on the appropriateness of a call-in request is to be reported to Council.
- 24.4 If a call-in is applicable then:
- a) unless the matter is first determined by Council, it shall stand referred to the Overview and Scrutiny Committee for consideration and recommendation;
  - b) the recommendations of the Overview and Scrutiny Committee shall be reported to the Executive Committee as appropriate; and
  - c) no action shall be taken to give effect to a decision of the Executive Committee which has been the subject of “call-in” until either:
    - (i) the Overview and Scrutiny Committee has signified its concurrence with the decision; or
    - (ii) the matter has been determined by Council.

## **PART 4 – Council and Committee Procedure Rules**

### **Executive Committee**

#### 24.5 Protocol for Use of Call-In Procedure

Rule 24 of the Council’s rules of procedure provides for decisions of the Executive Committee to be called in for scrutiny. This protocol sets out the criteria against which the Council expects any request for call-in to be judged. The call-in procedure applies to all decisions made by the Executive Committee.

The Council does **NOT** expect Members to call in an Executive Committee decision **UNLESS** there is demonstrable evidence to support the view that one or more of the following circumstances applies:

- a) the decision appears, having regard to advice from the Monitoring Officer, to be contrary to the Budget or one of the policy framework plans or strategies;
- b) the decision appears to be inconsistent with any other form of policy approved by Council or the Executive Committee;
- c) the decision appears to be inconsistent with recommendations previously made by the Overview & Scrutiny Committee (and accepted by Council or the Executive);
- d) the Executive Committee appears to have overlooked some relevant consideration in arriving at its decision;
- e) the Executive Committee appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
- f) the decision in question has already generated particular controversy amongst those likely to be affected by it or there is evidence that it is likely so to do;
- g) the decision appears to be particularly “novel” and therefore likely to set an important precedent; or
- h) the decision appears to give rise to significant legal, financial or propriety issues.

In addition, the Council expects Members to satisfy themselves, before deciding to call in a particular Executive Committee decision that –

- the decision in question is more than **“a day to day management or operational decision of the type normally taken by officers”** – such decisions should **not** be called in; and
- the delay which will ensue, as a consequence of calling in the decision in question, is unlikely to cause prejudice to the interests of the Council or third parties.

## **PART 4 – Council and Committee Procedure Rules Committees**

### **25. Appointment of Committees**

No person shall be appointed to a committee so as to hold office later than the next annual meeting of the Council EXCEPT those Members elected as Chairman or Vice-Chairman of committees (or sub-committees) who shall, provided they retain Council membership, hold office until their successors are appointed.

### **26. Chairmen of Committees**

At the meeting of Annual Council, the Chairman of each Committee (and sub-committee) will be appointed for the year. A Vice-Chairman may be appointed if appropriate.

### **27. Special Meetings of Committees**

A special meeting of any committee shall be summoned:

- at the request of the Chairman of that committee;
- at the request of the Chairman of Council;
- upon receipt by the Monitoring Officer of a written request signed by not less than a quarter (minimum four) of the members of the committee; or
- by the Monitoring Officer at any time in the event of an emergency or special circumstances.

## **PART 4 – Council and Committee Procedure Rules General Procedure including Public Participation**

### **28. Substitute Members**

- 28.1 Except as provided in Rule 28.7 (below), where any Member of a Committee, Sub-committee, Working Party, Group or Panel is unable to attend a meeting thereof, he/she may nominate any other member of Council to attend as a substitute member at that meeting PROVIDED that:
- a) the substitute Member is a Member of the same political group (or no group, as the case may be) as the Member unable to attend the meeting;
  - b) no Member of the Executive Committee shall act as a substitute Member at any meeting of the Overview and Scrutiny Committee; and
  - c) Notice of Substitution is given prior to the start of the meeting to the Democratic Services Officer attending the meeting.
- 28.2 The Agenda for each Committee, Sub-Committee, Working Party, Group and Panel shall contain as its first item "Apologies for Absence and Notification of Substitutes" and the Democratic Services Officer shall then report notifications given.
- 28.3 If a Member appointed to act as a substitute joins a meeting after consideration of the first (above) item, he/she shall advise the Democratic Services Officer attending the meeting upon arrival and the Chairman will interrupt proceedings, if necessary, in order that notice of the substitution can be given to the meeting.
- 28.4 A substitute Member may attend, speak, and vote as a Member of the Committee, Sub-Committee, Group or Working Party at the meeting for which he/she is a substitute Member.
- 28.5 A Member of a Committee, Sub-Committee, Group or Working Party who attends the meeting after his/her appointed substitute has been declared, may only observe proceedings and may not vote on any matter.
- 28.6 An adjournment of a meeting to a different day shall be considered a different meeting for the purpose of this Procedure Rule in cases where the appointed Member is able then to attend.

## **PART 4 – Council and Committee Procedure Rules**

### **General Procedure including Public Participation**

28.7 This Rule shall not apply to meetings of:

- Licensing and Appeals Committee and Licensing and Appeals Sub Committee;
- Audit and Standards Committee;
- Area Planning Committees;
- Executive Committee;
- Such other committees as Council may from time to time decide.

#### **29. Public Participation at meetings**

Provision shall be made on the agenda of the following meetings for members of the public to participate at the meeting;

- a) each Annual and ordinary meeting of the Council and, at the Chairman's absolute discretion, Extraordinary meeting of Council.
- b) Executive Committee
- c) Audit and Standards Committee
- d) Overview and Scrutiny Committee

A maximum of thirty minutes will normally be made available for such participation. Individual contributions will be limited to a maximum of five minutes and an individual member of the public will be limited to one contribution per meeting. The actual time spent may in the light of circumstances prevailing at the meeting be made shorter or longer at the Chairman's absolute discretion.

A member of the public for the purposes of this procedure rule shall not include:

- a) Any member of the Council in relation to his/her employment.
- b) Any representative of an employee or group of such employees
- c) Any person in a contractual relationship with the council in relation to any matter connected with that contract
- d) Any person who is an applicant for (or objector to) a consent, approval, permission, licence or similar decision given by Council under statute
- e) Any councillor or representative of a councillor who is subject to investigation under the provisions of the councillor code of conduct

A member of the public speaking for no more than five minutes may: present a relevant petition and explain its content or purpose; ask a question; or make a statement.

## **PART 4 – Council and Committee Procedure Rules**

### **General Procedure including Public Participation**

Any topic related to an agenda item can be raised at meetings of the Executive Committee, Audit and Standards Committee, whilst any issue that affects the general economic, social or environmental well being or health of the community can be raised at each Annual and ordinary meeting of the Council and meetings of Overview and Scrutiny Committee.

A councillor may, on behalf of the public or in his/her own right present a relevant petition.

Any member of the public wishing to participate in accordance with this procedure rule shall notify the Monitoring Officer in writing or by electronic mail by no later than 9.00 am on the working day before the meeting at which he/she intends to participate, of his/her intention to participate and his/her name and address and indicate the nature of the proposed participation (including an outline of the main points to be made or asked). In exceptional circumstances, and at the absolute discretion of the chairman he/she may permit a contribution at the meeting without notice.

The Monitoring Officer may reject a request for public participation, and the Chairman may intervene in any contribution if in his/her opinion it:

- a) Is not about a matter for which the Council has responsibility or which affects the District
- b) Is defamatory, frivolous or offensive
- c) Is substantially the same as a question that has been put to the Council or Committee in the past six months
- d) Requires or involves the disclosure of “exempt information” or “confidential information”

This procedure rule does not apply to meetings of Area Planning Committees for which a separate public speaking scheme applies, see **Public Participation at Area Planning Committees** at Part 4 of this Constitution.

## **PART 4 – Council and Committee Procedure Rules**

### **General Procedure including Public Participation**

#### **30. Right of Members to Attend Meetings and Request Items for Inclusion on Agenda**

Subject to legal requirements and the Council's code of conduct with regard to interests:

- a) Any Member may attend any meetings of Committees, Sub-committees, Panels or Working Parties of which they are not a Member and, with the consent of the Chairman, may speak but not vote on any item listed on the agenda for that meeting.
- b) Portfolio Holders may be invited to attend the Overview and Scrutiny Committee to assist in its deliberations, provided that the independent nature of the Committee is not compromised, and similarly with Scrutiny Task & Finish Groups.
- c) Any member of Council may ask for an item of business (including Councillor Calls for Action) to be included on the agenda for any committee provided the matter falls within the terms of reference of that committee and:
  - The item shall be discussed at the next ordinary meeting of the relevant committee
  - The member, if not already a member of that committee, shall be entitled to speak to the item but not vote and the committee shall have regard to the member's representations in determining what action (if any) to take
  - The member shall be informed of the committee's decision
  - Councillor Calls for Action in respect of any crime and disorder matters shall be referred to Overview & Scrutiny Committee as the designated Crime & Disorder Committee.
- d) Exclusion of the public and press from a meeting for the consideration of confidential or exempt information shall not apply to any member.



## PART 4 – Council and Committee Procedure Rules General Procedure including Public Participation

### 31. Procedure Rules to Apply to Committees and Sub-committees

The Rules referred to in column 1 below shall apply to committees (and sub-committees) as they apply to meetings of the Council, subject to:

- a) the exclusions and modifications mentioned in column 2 below; and
- b) such other modifications as the context may require.

Column 1 Procedure Rules applying to committees	Column 2 Exclusions and modifications
Rule 7 (Chairman of Council Meeting)	
Rule 8 (Quorum of Council)	Minimum 3 members or one quarter of the total (whichever is the greater) The quorum of the Southern Area Planning Committee will be 6 members and the quorum of the Northern Area Planning Committee will be 4 members
Rule 10 (Order of Business)	Exclude paragraph 10.1(h) – Leader’s questions
Rule 11 (Notices of Motion)	Every motion shall be relevant to a matter included on the agenda
Rule 14 (Minutes)	
Rule 15 (Signing of Minutes)	
Rule 16 (Rules of debate)	Exclude paragraphs: 16.2 (a) - members to stand 16.2 (c) - time limit on speeches 16.2 (e) - members to only speak once
Rule 17 (Motions Affecting Persons Employed by the Council)	
Rule 18 (Disorderly Conduct)	
Rule 19 (Disturbance by Members of the Public)	
Rule 21 (Voting)	
Rule 22 (Recording of Votes)	

## **PART 4 – Council and Committee Procedure Rules**

### **Public Participation at Area Planning Committees**

The Council has established a separate scheme of public participation to allow interested parties to comment at meetings which consider and determine those planning applications and development control matters, including Tree Preservation Order objections which are not delegated to officers. This includes consideration at Planning Committee and Full Council where necessary.

This scheme, which is separate to the public participation scheme in place for Council meetings and some other committees makes specific provision for applicants/ supporters, objectors and the relevant Parish Council or Town Council to make their views known to councillors before they determine the applications before them at that meeting.

Members of the public are also entitled to attend meetings of the Committees to observe the decision making process without registering to speak.

This scheme does not allow members of the public to participate in the debate by the committee and they are reminded not to interrupt the proceedings of the committee and to observe the rules of good behaviour at all times. Whilst councillors are elected to represent the views of their local communities they are also required by law to take into account the law and planning guidance. They are also required by law not to predetermine their views on a planning application. This means that they are not allowed to commit themselves to a decision before hearing all of the evidence or debate at the meeting and it would be inappropriate for them to be asked to express a voting intention in advance of the meeting.

Most applications which come before councillors are determined at one of two Area Planning Committees which are split on a geographical basis, one covering the North of the District and one covering the South of the District. However under the Council's Constitution certain area development management committee decisions on applications can also be referred for determination very occasionally to Council.

For the avoidance of doubt, this public participation scheme covers planning applications and development control matters, including Tree Preservation Order objections only which are determined at an Area Planning Committee, or Full Council.

The alternative public participation scheme does not apply to meetings of the Area Planning Committee, or Full Council in relation to the consideration of planning and planning related applications.

Area Planning Committee meetings take place monthly mainly on a Wednesday evening. Full details of dates, times and venues of the meetings are published on the Council's website. Details of items on the agenda of each meeting (including all written comments submitted in advance of publication of the agenda) are published on the Tuesday of the week before the meeting and are available on the website.

If you wish to speak as a registered objector or as the applicant/agent in support of an application at a meeting you may register to do so **as soon as the agenda has been published**. You can only do so by telephoning Democratic Services on 01684 862416/862273 or e-mail [public.speaking@malvern hills.gov.uk](mailto:public.speaking@malvern hills.gov.uk). Registration as an objector is on a first come, first served basis. It is possible for more than one objector to share the time available but this must be agreed between the objectors in advance of registration. Registration to speak will close at 12 noon on the day before the meeting.

Registered speakers are reminded that a statement of fact or opinion will have the greatest impact if they are brief and to the point and focus on relevant planning issues or material considerations. They will not be allowed to use additional slides or overhead transparencies but may refer to the application plans on display at the meeting. Photographs or annotated plans can only be taken into account if provided to the planning case officer at least 48 hours before the start of the meeting.

All representatives of Town and Parish Councils must be authorised to represent the Council's views in advance of the meeting and an authorised representative of the affected Town or Parish Council may attend and speak if registered to do so beforehand.

Proceedings of the meeting or part of the meeting may be recorded and anyone wishing to do so should also notify the Democratic Services Officer in advance of the meeting. S(he) will be able to advise on the arrangements that will be necessary.

All members of the public present must be seated in an allocated area of the meeting room. When the meeting reaches the point at which the relevant application is to be considered the following procedure will apply:

- The Chairman of the Committee will ask a planning officer to introduce the agenda item.
- The Chairman of the Committee will invite the authorised representative (if there is one present) of the affected Town or Parish Council to move to a designated seat and to speak for a maximum of three minutes.
- The Chairman of the Committee will invite a registered objector (or objectors) to move to a designated seat and to speak for a maximum of three minutes in total.
- The Chairman of the Committee will invite the applicant or agent to move to a designated seat and to speak for a maximum of three minutes.
- The Chairman of the Committee will invite any member who has declared an interest and the intention to leave the room during the debate to move to a designated seat and to speak for a maximum of three minutes, if they wish to do so.
- The Chairman of the Committee will invite Planning Officer(s) to add any extra comments
- The Chairman of the Committee will invite the local councillor(s) to speak for a maximum of five minutes.
- The Chairman of the Committee will invite the committee members to debate the application and invite the Planning Officers and/or consultees to answer questions or provide advice/ clarification as necessary, before bringing the debate to a close with a call for a proposer and seconder of a motion and then a vote on the matter.
- If recommended by the Head of Planning and Infrastructure, it will be at the Chairman's discretion, prior to the meeting of either Area Planning Committee to adopt bespoke

arrangements for public speaking on a specific agenda item to increase the number of public speaking slots

If the application is deferred the same public speaking arrangements and procedures will apply at the next meeting at which the application is discussed.