

# 4L – LOCAL (AREA) COMMITTEE PROCEDURE RULES

<b>GENERAL PROVISIONS</b>
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## **RULE 1 – ESTABLISHMENT**

These Procedure Rules apply to any Local Committee (otherwise known as an Area Committee) established by the Council. These Rules apply as necessary to the conduct of executive, regulatory and advisory functions.

## **RULE 2 – POWERS, DUTIES AND AIMS OF LOCAL COMMITTEES**

The Council will approve a scheme which delegates specific executive, non-executive and advisory functions to a Local Committee and which specifies any constraints on actions to be taken.

Where a Local Committee has the power to act, it may choose not to do so. It may then refer the matter to the Council, to another Committee of the Council or to the Cabinet as appropriate to determine.

The Council has identified the aim of a Local Committee as bringing decision making closer to the people of the area served by the Local Committee, developing renewed interest in local democracy and enabling community engagement and discussion.

## **RULE 3 – MEMBERSHIP**

The membership of a Local Committee shall comprise those elected members of the Council who represent electoral wards within the geographical boundary of the Local Committee. Proportionality does not apply to a Local (Area) Committee.

A Local Committee, or the Council when appointing a Local Committee, may appoint other persons to be co-opted members of the Committee and, for functions where this is appropriate, to permit such co-optees to vote.

## **RULE 4 – CHAIR AND VICE CHAIR**

The Local Committee shall at its first meeting after the Annual Meeting of the Council elect a member of the Council serving on the Committee to be its Chair (person) for the Council Year.

Similarly, the Local Committee may appoint a member of the Council serving on the Committee to be its Vice Chair (person).

## **RULE 5 – CASUAL VACANCIES**

A vacancy arises on a Local Committee when a councillor serving on the Committee resigns from membership of the Council or dies.

The Councillor elected to fill the vacancy on the Council shall thereupon become a member of the Local Committee.

### **RULE 6 - DATES AND TIMES OF MEETINGS**

The Annual Meeting of the Council or the first meeting of the Local Committee after the Annual Meeting of the Council shall set dates for meetings of the Local Committee throughout the Council Year.

The times of meetings and the venues for meetings shall be decided by the Local Committee itself.

### **RULE 7 – DURATION OF MEETINGS**

No meeting of a Local Committee will continue beyond 10 pm.

A meeting may decide, on a proposal from the floor, to continue its proceedings to end at a time stated in its resolution arising from such a proposal

If the meeting is unable to complete its business by 10 pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this Rule, the meeting will automatically stand adjourned. Any item of business being dealt with at the time of the adjournment will be put immediately to the vote. All uncompleted business will stand adjourned to be considered at the adjourned session.

The Chair or the meeting may decide the date and time of the adjourned session.

### **RULE 8 – SPECIAL OR EXTRAORDINARY MEETINGS**

A special (or extraordinary) meeting of a Local Committee may be called by

- the Chair; or
- by at least one quarter of the elected members serving on the Local Committee signing a notice to the Chair, setting out the business of the meeting and, if appropriate, the time scale within which the meeting is to be held.

The Chair (person) will call the meeting as soon as practicable.

If the Chair (person) fails to convene a special meeting having received a notice, the members signing the notice may themselves convene the meeting.

The Chief Executive, or another Statutory Officer, may take the initiative to convene a special meeting of a Local Committee. S/he will consult the Chair before convening the meeting.

### **RULE 9 – SUBSTITUTION**

No substitution will be allowed for elected members appointed to serve on the Local Committee.

### **RULE 10 – APPOINTMENT OF SUB COMMITTEES**

A Local Committee may appoint sub committees where this is judged to be conducive to the effective conduct of its business and within the aims of the Local Committee. On these matters the Local Committee will be guided by the Chief Executive. A sub committee may be given power to act on behalf of the Local Committee.

The voting membership of a sub committee may only be drawn from the membership of the Local Committee. However a sub committee may include non-voting members from within the Council or outside.

A Local Committee will decide the size and membership of any sub committees and whether it is to be a short life or standing sub committee.

### **RULE 11 – SIX MONTH RULE (EXECUTIVE MATTERS)**

A Local Committee will not consider any executive matter which it has already considered within the previous 6 months unless:

(1) the matter is coming to the Local Committee as part of a report from an Officer;

OR

(2) written notice of a proposal for the Local Committee to consider the matter is given to the Chief Executive. The notice must be signed by at least one quarter of the number of councillors in membership of the Local Committee or 3 members whichever is the greater.

Similarly, no proposal which a Committee has rejected within the previous 6 months may be put forward, subject to (1) and (2) above.

<b>PREPARATION FOR LOCAL COMMITTEE MEETINGS</b>
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### **RULE 12 – AGENDA MEETING**

Prior to the agenda being finalised, Officers will brief the Chair on matters coming to the meeting for consideration. On development control matters, the Chair may be briefed separately.

### **RULE 13 – AGENDA DESPATCH AND CONTENT**

Items to be discussed at any meeting of a Local Committee will be set down in the agenda. The agenda will be sent to every member of the Local Committee at least 5 clear working days before the meeting.

In the case of an emergency meeting of the Local Committee, a shorter period of notice may be given.

#### **RULE 14 – NOTICE OF AGENDA MOTION**

An elected member serving on a Local Committee may give written notice to the Chief Executive that s/he wishes an item to be included on the agenda for a Local Committee and s/he may offer a specific proposal within the wording of the notice.

Such a notice must be received no later than 7 working days before a meeting of the Local Committee.

The Chief Executive shall consult the Chair about the notice but there remains an absolute right for the member giving the notice to have the item included on the agenda for the specified meeting.

#### **RULE 15 – URGENT AGENDA BUSINESS**

The Chair of a Local Committee has the authority to agree to take urgent items, not on the agenda, at meetings of the Local Committee.

The reason for the urgency shall be clearly stated and recorded.

#### **RULE 16 – MEMBERS ATTENDING LOCAL COMMITTEE MEETINGS**

Any Member of the Council may attend a meeting of a Local Committee. They may speak only at the discretion of the Chair of the meeting.

<p><b>RULES RELATING TO PROCEDURES AT LOCAL COMMITTEE MEETINGS</b></p>
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#### **RULE 17 - SUSPENSION OF RULES**

There are occasions when it is helpful to the effective conduct of a meeting, or for other reasons, not to apply a particular Rule or Rules. It is therefore open to any meeting of a Local Committee to suspend one or more of its Procedure Rules.

In accordance with Article 16.1 of this Constitution, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

#### **RULE 18 - MINIMUM NUMBER ATTENDING (QUORUM)**

A meeting of a Local Committee cannot take place unless at least one quarter of the membership, or 3 Councillor members of the Local Committee whichever is the greater, are present.

**RULE 19 – RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting, to assist with the record of attendance.

**RULE 20 - RECORDING AT MEETINGS**

Persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting. However, oral commentary is not permitted during the meeting as it would be disruptive.

Many meetings are webcast and those who do not wish to be filmed need to make themselves known to the webcasting staff. However, members of the public need to be aware that they may be filmed by others attending and that is not within the Council’s control.

**RULE 21 – CHANGING THE ORDER OF BUSINESS**

The Chair may at her/his discretion vary the order of business at the meeting. The Committee meeting may also decide to vary the order in which agenda items are taken.

However, there is a presumption that any Local Committee with development control functions will take such matters in advance of other formal agenda business.

**RULES OF DEBATE**

**RULE 22 - CONDUCT OF MEETING**

The Chair is responsible for conducting the meeting. In this, s/he will be guided by the Chief Executive.

The Local Committee will wish to operate with the minimum of formality, in order to achieve its aims as set out in Rule 2 above. Formal debating rules will generally only be applied where this is necessary to ensure fair and effective debate of formal business on the agenda.

**RULE 23 – POWERS AND DUTIES OF CHAIR**

The powers and duties of the Chair are as follows:

- (a) to act as the focal point for debate;
- (b) to preserve order and ensure the proper and efficient conduct of the meeting;
- (c) to ensure that members of the public and Councillors are able to follow proceedings;

- (d) to confine discussion to the issue under consideration;
- (e) to ensure all Councillors have an equal opportunity to participate;
- (f) to decide whether proposals put to the meeting are in order;
- (g) to decide procedural matters;
- (h) to conduct voting and to declare the result;
- (i) to sign the minutes of the previous meeting(s) as a correct record when authorised to do so by the meeting;
- (j) to adjourn the meeting if circumstances justify such action;
- (k) to declare the meeting closed when its business has been completed;
- (l) to exercise powers conferred by law on the chair of a meeting.

#### **RULE 24 – CHAIR TAKING PART IN DEBATE**

By virtue of the local nature and membership of a Local Committee, the Chair will be entitled to contribute to formal debate and discussion and shall have the discretion to continue to preside during such contribution or to vacate the Chair and seek a new Chair for the item.

#### **RULE 25 - MEMBERS TO ADDRESS THE CHAIR**

When speaking at a meeting, members shall address the Chair.

#### **RULE 26 – NO OBLIGATION TO STAND**

Members of a Committee need not stand when speaking, but may do so.

#### **RULE 27 – MINUTES**

The Chair will invite the meeting to approve the minutes of the previous meeting as a true and correct record. There will be no discussion on the minutes other than on their accuracy. When so approved, the minutes are signed by the Chair.

#### **RULE 28 – MOTIONS MOVED WITHOUT NOTICE**

The following matters may be proposed as a motion during a meeting, by a member of the Local Committee, without the need to give notice:

- (a) Appointment of a Chair for the meeting.(in the absence of the Chair or Vice Chair
- (b) The accuracy of the minutes.
- (c) To change the order of agenda business.
- (d) To adopt a recommendation or some other course of action arising from a report to the meeting.
- (e) Extending the time limit for speeches or for public and councillor questions.
- (f) Amendments to matters raised.

- (g) That the meeting proceeds to the next business
- (h) That the question be put
- (i) That the debate be adjourned
- (j) That the meeting adjourn
- (k) That the meeting continue beyond the prescribed deadline to end at a specified time.
- (l) Suspending Procedural Rules
- (m) To resolve under Section 100A of the Local Government Act 1972 to exclude the public.
- (n) That the member named be not further heard or leave the meeting

### **RULE 29 – QUESTIONS, STATEMENTS and PETITIONS FROM THE PUBLIC**

A Local Committee shall make arrangements for the public to ask questions, to make statements or raise petitions at its meetings.

Unless the Local Committee adopts specific alternative arrangements, the provisions of the Council's existing arrangements for public speaking at (a) development control meetings, (b) other executive and (c) non-executive meetings shall apply as relevant to the business on the agenda..

A copy of these existing arrangements may be inspected on the Council's website.

### **RULE 30 – QUESTIONS, STATEMENTS and PETITIONS FROM COUNCILLORS**

A Local Committee shall make arrangements for councillors to ask questions, to make statements or raise petitions at its meetings.

Unless the Local Committee adopts specific alternative arrangements, the provisions of the Council's existing arrangements for councillor speaking at (a) development control meetings, (b) other executive and (c) non-executive meetings shall apply as relevant to the business on the agenda.

A copy of these existing arrangements may be inspected on the Council's website.

**ON OCCASIONS, IT IS NECESSARY FOR A LOCAL COMMITTEE WITH FORMAL DELEGATED POWERS TO CONDUCT A FORMAL DEBATING PROCESS IN ORDER TO REACH A DECISION.**

**THIS PROCESS INVOLVES THE PRESENTATION OF A PROPOSAL (CALLED A "MOTION") AND AMENDMENTS, TO ARRIVE AT A FORM OF WORDS THAT IS ACCEPTABLE TO A MAJORITY OF VOTING MEMBERS AS A DECISION.**

**IN OPERATING THE MOTION AND AMENDMENTS PROCEDURES, THE FOLLOWING DEFINITIONS MAY ASSIST:**

**RULE 31 – MOTIONS**

A motion is a proposal from a member at the meeting aimed at opening a debate on an agenda item. A motion once proposed needs a second member to indicate a willingness for it to be considered. This is called “seconding”.

A motion usually takes the form of a proposal to adopt a course of action based on a recommendation in a report. It can be a different proposal to that which is recommended in a report.

A recommendation in a report is not of itself a motion unless or until a member proposes its adoption.

A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.

**RULE 32 – AMENDMENT**

An amendment is a proposal by a member to change the words of a motion which has been moved and seconded. The amendment shall be relevant to the subject matter of the motion and shall be: -

- (a) to leave out words, or
- (b) to leave out words and insert or add other words, or
- (c) to insert or add words, or
- (d) to refer the matter to a Committee/Sub Committee, the Cabinet or an Overview and Scrutiny Panel for consideration or reconsideration
- (e) to defer consideration of the matter.

An amendment must not:

- be a direct negative of a motion; or
- seek to introduce into the motion a new issue unrelated to the subject dealt with in the motion.

If an amendment seeks to achieve something that is relevant but cannot be achieved by merely voting against the motion, it is likely to be ruled as a valid amendment. The meeting will be advised by the Chief Executive on the validity of amendments.

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

Notice of intention to move any further amendment and the nature thereof may, at the discretion of any member, be given to the Chair before a vote is taken on the current amendment being considered at the meeting.

If an amendment is defeated, other amendments may be moved to 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.

### **RULE 33 – RIGHT OF REPLY**

At the end of a debate about a motion, the member who first proposed it at the meeting may exercise a right to reply to the points raised in the debate.

The right to reply to a debate on an amendment rests also with the member who moved the motion, not with the member who moved the amendment.

A member exercising a right of reply shall confine her/his speech to answering points raised by the previous speakers, and shall not introduce new material. The Chair's ruling in this regard shall be final.

After every right of reply to which this Rule refers, a vote shall be taken without further discussion.

### **RULE 34 – ALTERATION TO MOTION**

A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.

### **RULE 35 – WITHDRAWAL OF A MOTION**

A motion or amendment may be withdrawn by the mover with the consent of her/his seconder and of the meeting, which shall be signified without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

### **RULE 36 – RIGHT TO REQUIRE PROPOSAL IN WRITING**

Unless notice of the motion or amendment has already been given and published, the Chair may require it to be written down and handed to him/her before it is discussed at the meeting.

### **RULE 37 – NO SPEECHES UNTIL MOTION SECONDED**

No speeches may be made, after the mover has moved a motion and explained the purpose of it, until the motion has been seconded.

### **RULE 38 – CONTENT AND LENGTH OF SPEECHES**

A member shall direct her or his speech to the question under discussion or to a personal explanation or to a point of order. A member proposing a motion will be allowed no more than 8 minutes for her or his speech. No other speech by any councillor or invited other person will exceed 5 minutes.

### **RULE 39 – CLOSURE MOTIONS**

A member who has not spoken in a debate may move without comment at the conclusion of a speech of another member

“That the meeting proceed to the next business”,

“That the question be now put”,

“That the debate be now adjourned”, or

“That the meeting do now adjourn”,

on the seconding of which the Chair shall proceed as follows:-

- (a) On a motion “to proceed to next business”: unless in her/his opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the motion “to proceed to the next business”.
- (b) On a motion “that the question be now put”: unless in her/his opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion “that the question be now put”. If that motion is passed, the Chair will invite the mover of the original motion to exercise her/his right of reply under Rule 36 before putting that original motion to the vote.
- (c) On a motion “to adjourn the debate or the meeting”: if in her/his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply.

### **RULE 40 – POINT OF ORDER/POINT OF PERSONAL EXPLANATION**

A member may indicate a “point of order” or a “point of personal explanation” and shall be entitled to be heard immediately.

- (a) A "Point of Order" shall relate only to an alleged breach of a Procedural Rule or statutory provision. The member shall specify the Procedural Rule or statutory provision and the way in which s/he considers it has been broken.
- (b) A "Personal Explanation" shall be confined to some material part of the member's former speech which may appear to have been misunderstood in the present debate.

The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall be final.

### **RULE 41 - VOTING**

Subject to the provisions of any enactment all questions coming or arising before the meeting shall be decided by a majority of the Members of the Local Committee (or other persons entitled to vote) present and voting.

The Chair shall ensure that that the proposal to be voted on is clear. Voting will proceed by a show of hands – first those voting “for” the proposal and then those voting “against” the proposal. This will be followed by a show of hands from those who are abstaining from voting.

If the votes “for” and “against” a proposal are equal, the Chair may choose to exercise the legal right to a second or casting vote in order to determine the matter. If the Chair chooses not to exercise this legal right, and the matter remains equal in voting, the matter is deemed NOT CARRIED and will be recorded as such in the minutes.

Any member is entitled on request made through the Chair at the meeting to have her/his individual vote or abstention recorded in the minutes.

### **RULE 42 – EXCLUSION OF PRESS AND PUBLIC**

If a Local Committee or any sub committee of a Local Committee passes a resolution pursuant to Section 100A of the Local Government Act 1972 as amended to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the Local Committee or Sub-Committee concerned: provided that, except when the Local Committee or sub-Committee is acting in a judicial or quasi-judicial capacity, such Members of the Council shall be permitted to remain if invited to do so by resolution of the Local Committee or sub-Committee.

A Personal Assistant and/or nominated note taker for a disabled councillor or other person entitled to remain at a meeting after passing a resolution under this Rule, shall also be entitled to remain, provided they have signed an undertaking in advance not to divulge the nature of any exempt or confidential business discussed or submitted.

### **RULE 43 – DISORDERLY CONDUCT**

If at a meeting any member of the Local Committee, in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the chair, or by 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", and the motion if seconded shall be put and determined without discussion.

If the member named continues the misconduct after a motion under the foregoing paragraph has been carried the Chair shall -

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 for such period as s/he shall consider expedient.

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 her/him may, without question put, adjourn the meeting of the Local Committee for such period as s/he in her/his discretion shall consider expedient.

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

The provisions of Section 100A (exclusion of the public and press) are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

If a member of the public interrupts the proceedings at any meeting the Chair shall issue a warning. If the person continues the interruption, the Chair shall order the person's removal from the meeting room. In case of general disturbance in any part of the chamber open to the public the Chair may order that part of the meeting room to be cleared.