

## **Committee and Sub-Committee Procedure Rules**

### **1. APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

- 1.1 The Council may appoint Committees and Sub-Committees to carry out its non-Executive functions.
- 1.2 Committees may appoint additional Sub-Committees with the approval of the Council.

### **2. MEMBERSHIP**

- 2.1 With the exception of Licensing Committee and Licensing Sub-Committees and the Standards Committee and its Sub-Committees and unless the Council decides otherwise, with no Member voting against, the Council and Committees shall appoint Members to Committees and Sub-Committees respectively in accordance with the statutory requirements for political balance.
- 2.2 For the Licensing Committee and Licensing Sub-Committees there is no statutory requirement for political balance but the spirit of this shall be followed where practical. For the Sub-Committees in addition to Chairman, the remaining membership shall be drawn from the Licensing Committee.
- 2.3 The Council shall review the allocation of seats on Committees and Sub-Committees to the Political Groups on the Council at its Annual Meeting and following any change in the membership of the Council as required by statute.

### **3. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

- 3.1 With the exception of the Licensing Committee and Sub-Committees when appointing Committees and Sub-Committees the Council or Committee respectively may appoint to each Committee or Sub-Committee substitute Members for each Political Group on the Council in accordance with the wishes of the Group and such substitute may take the place of any Member of that Group who is a Member of the particular Committee or Sub-Committee for the meeting when such Member is absent;

Subject to:

- (i) the substitution being notified to the Chief Executive (or an Officer representing the Chief Executive) no later than when the "Apologies for Absence and Substitutions" item is called on the Agenda;
- (ii) in the event of the Committee Member arriving after the substitution has been made that Member shall forthwith resume membership of the Committee or Sub-Committee and the substitute Member shall forthwith cease to be a member of the Committee or Sub-Committee and such member shall then only have the rights set out in Procedure Rule 20; and
- (iii) substitutions may only take effect from when the "Apologies for Absence and Substitutions" item is called on the Agenda and may not be expressed to take effect at any later time.

**(NOTE:** Group Leaders will be expected to ensure that nominated substitutes have received appropriate training on the role and functions of the relevant Committee).

#### 4. **SUSPENSION OF COMMITTEE AND SUB-COMMITTEE PROCEDURE RULES**

Subject to statutory provisions, a Committee or Sub-Committee may decide to suspend any Committee or Sub-Committee Procedure Rule at a Committee or Sub-Committee meeting provided one half of its Members are present.

#### 5. **RULING OF THE CHAIRMAN**

The ruling of the Chairman on the application of Procedure Rules or any proceedings of the Committee or Sub-Committee shall not be challenged.

#### 6. **CONDUCT OF MEETINGS**

6.1 The conduct of the meeting shall be a matter for the Chairman.

6.2 When speaking a Member shall address the Chairman.

#### 7. **DISORDERLY CONDUCT**

##### 7.1 **Members**

The Chairman shall warn a Member who behaves improperly. If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion); if the Motion is approved the Member shall leave the room.

##### 7.2 **Public**

The Chairman shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues the Chairman shall order removal of the person concerned from the room. In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

#### 8. **MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

##### 8.1 **Ordinary Meetings**

Ordinary Meetings will be held on the dates set out in a Schedule of Meetings agreed by the Council.

##### 8.2 **Special Meetings**

The Chairman may call a Special Meeting of a Committee or Sub-Committee at any time.

If, following a request from five Members of the Committee or Sub-Committee or one third of its membership, whichever is the greater, the Chairman refuses to call a Special Meeting or fails to call it within seven days, then any five Members of the Committee or Sub-Committee may call the meeting.

##### 8.3 **Time**

8.3.1 With the exception of Licensing Sub-Committees all Committee and Sub-Committee Meetings shall start at 7.30 p.m. unless otherwise agreed by the Committee or Sub-Committee or the Chairman of the Committee or Sub-Committee.

8.3.2 In the case of Licensing Sub-Committees, meetings shall be held during the day or evening at a time to be agreed by the Chairman.

#### **8.4 Change of Date or Time of Meetings**

The Committee or Sub-Committee or the Chairman may change the date and/or time or cancel a meeting of the Committee or Sub-Committee due to lack of business or other special circumstances.

#### **8.5 Standards Sub-Committees**

Specific procedures for the Assessment Sub-Committee, Review Sub-Committee and Hearing Sub-Committee are set out in Annexes 1, 2, 3 respectively to these Committee and Sub-Committee Procedure Rules.

### **9. QUORUM**

9.1 The quorum of a Committee or Sub-Committee meeting shall be one third of the membership but not less than three Members.

9.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes.

9.3 If after fifteen minutes there is still no quorum, all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as may be determined by the Chairman.

### **10. ADJOURNMENT**

10.1 A Committee or Sub-Committee may adjourn a meeting at any time.

10.2 If the business is not completed by 10.30 p.m., the Committee or Sub-Committee may decide in relation to all or part of the remaining business to:

- (a) approve items without debate;
- (b) continue the meeting to complete all or part of the outstanding business;
- (c) refer the business to the next Ordinary Meeting;
- (d) adjourn to a specific date.

### **11. ORDER OF BUSINESS AT FIRST MEETING OF COMMITTEES AND SUB-COMMITTEES**

11.1 The order of business at the first meeting of each Committee in the Municipal Year shall be:

- 1 Consent for the Mayor to take the Chair.
- 2 Election of Chairman.
- 3 Election of Vice-Chairman.
- 4 Minutes.
- 5 Apologies for absence and substitutions.
- 6 Declarations of Interest.
- 7 Appointment and Membership of Sub-Committees.
- 8 Any other business specified on the Agenda.

- 11.2 For the election of the Chairman for the Municipal Year, the Mayor shall, with the agreement of the Committee, take the Chair. The Mayor shall not vote on the election of the Chairman but in the event of an equality of votes, shall have a casting vote. In the event that the Mayor chooses not to use a casting vote and an equality of votes prevails, the matter shall be deferred until the next meeting.
- 11.3 If the Mayor does not take the Chair, the Chief Executive's representative shall conduct the election of the Chairman. In the event of an equality of votes the matter shall be deferred to the next meeting.
- 11.4 Every Sub-Committee shall at its first meeting, before dealing with other business, elect a Chairman and Vice-Chairman for the Municipal Year.

## 12. **ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN**

In the absence of the Chairman, the Vice-Chairman shall take the Chair. In the absence of the Chairman and Vice-Chairman, a Chairman for the meeting shall be elected. Any power or duty of the Chairman in relation to the conduct of the meeting may be exercised by the person in the Chair.

## 13. **VOTE OF NO CONFIDENCE IN CHAIRMAN**

- 13.1 A Member wishing to move a vote of no confidence in the Chairman shall ask for an appropriate item to be included on the Agenda of the next meeting of the Committee or Sub-Committee.
- 13.2 During consideration of the Motion the Chairman shall vacate the Chair which shall be taken by the Vice-Chairman. In the absence of the Vice-Chairman, another Member shall be elected for this purpose.
- 13.3 In the event of the Motion of no confidence being carried at a Committee or Sub-Committee the Member shall cease to be Chairman forthwith and the person presiding shall remain in the Chair for the rest of the meeting. The election of a new Chairman shall be the first item on the Agenda of the next meeting of the Committee or Sub-Committee.

## 14. **VOTING IN COMMITTEES AND SUB-COMMITTEES**

- 14.1 Voting at a Committee or Sub-Committee shall be by show of hands.
- 14.2 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.
- 14.3 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

## 15. **MINUTES**

- 15.1 The Minutes of every Committee and Sub-Committee meeting shall be circulated to all Members and with the exception of the Licensing Sub-Committees presented to the next meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the next following meeting.

- 15.2 The Minutes of Licensing Sub-Committee shall be submitted to either the next meeting of the Licensing Sub-Committee or to the next meeting of the Licensing Committee (whichever is the sooner) for confirmation and signature by the Chairman provided at least one Member of the Sub-Committee whose Minutes are being considered for approval is present.
- 15.3 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.
16. **URGENT BUSINESS**
- If an item is not included on the Agenda it shall not be discussed unless the Chairman is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to the Members present (and Press and public, as appropriate) but may be supplemented by an oral report.
17. **PETITIONS**
- Committees will deal with petitions in accordance with the Council's Petition Scheme.
18. **PUBLIC SPEAKING AT THE PLANNING COMMITTEE**
- Public speaking at the Planning Committee shall be in accordance with Annex 2 to the Development Control Protocol in Part 5 of the Constitution.
19. **AGENDA ITEMS**
- A Member may ask for an item to be included on the Agenda of a Committee or Sub-Committee.
20. **ATTENDANCE BY NON-MEMBERS**
- 20.1. All Members have the right to attend a meeting of a Committee or Sub-Committee except meetings of the Employment Committee where appointments/disciplinary/dismissal or appeals are being considered. Only the Leader or Deputy Leader and relevant Executive Member(s) shall have the right to attend meetings of the Employment Committee for appointments.
- 20.2. A Member who moved a Motion at Council which has been referred to a Committee or Sub-Committee shall have the right to present the Motion to the Committee or Sub-Committee.
- 20.3. Subject to Procedure Rule 20.2 non-Members of the Committee or Sub-Committee may only speak with the agreement of the Chairman.
21. **NOTICE AND AGENDA OF MEETINGS**
- 21.1. All Members shall have Notice of Meetings of Committees and Sub-Committees.
- 21.2. All Members are entitled to receive Agenda of Committees and Sub-Committees.
22. **RECORDING OF PROCEEDINGS**
- Making a written record of the discussion or decisions made at any meeting is permissible. The Committee or Sub-Committee should consider a request by any person to record, video, film, photograph or broadcast a meeting of a Committee or Sub-Committee.

**COMPLAINTS ASSESSMENT SUB-COMMITTEE  
PROCEDURE FOR DEALING WITH COMPLAINTS**

1. Upon receipt of an allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
  - 1.1. Refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
  - 1.2. Refer the allegation to the Standards Board for England;
  - 1.3. Decide that no action should be taken in respect of the allegation; or
  - 1.4. Where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

AND, shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision and the procedure for seeking a review of that decision.
2. Upon completion of an investigation by or on behalf of the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
  - 2.1 It accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
  - 2.2 The matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
  - 2.3 The matter should be referred to the Adjudication Panel for determination.
3. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1 or 2 above, the Sub-Committee shall state its reasons for that decision.
4. The Sub-Committee shall apply the procedure as set out in the Monitoring Officer Protocol for assessing complaints and as set out in guidance issued by the Standards Board for England.

## COMPLAINTS REVIEW SUB-COMMITTEE

### PROCEDURE FOR DEALING WITH REVIEWS OF DECISIONS TAKEN BY THE COMPLAINTS ASSESSMENT SUB-COMMITTEE

1. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
  - 1.1. Refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
  - 1.2. Refer the allegation to the Standards Board for England;
  - 1.3. Decide that no action should be taken in respect of the allegation; or
  - 1.4. Where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

AND shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

2. Where the Sub-Committee resolves to take any of the actions referred to above, the Sub-Committee shall state its reasons for that decision.
3. The Sub-Committee shall apply the procedure as set out in the Monitoring Officer Protocol for assessing complaints and as set out in guidance issued by the Standards Board for England.

## PROCEDURE FOR THE CONDUCT OF ASSESSMENT AND REVIEW PROCEEDINGS

### 1 Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that, any allegation made in writing that a member of the Authority has or may have failed to comply with the Authority's Code of Conduct, is referred to him/her immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall ensure that a register of such allegations is maintained and that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained, where they have been signed by the Complainant. For the avoidance of doubt -
- 1.3.1 Where a complaint is made anonymously it will not be considered as a valid complaint and no further action will be taken in relation to it, other than, where possible, to notify the Complainant of that decision;
- 1.3.2 The Monitoring Officer is authorised to maintain the confidentiality of the identity of the Complainant where and for so long as in his/her opinion that would be in the public interest, and in those case the complaint will not be treated as though made anonymously.

### 2 Notification of Receipt of Allegations

- 2.1 All allegations must be assessed by a Complaints Assessment Sub-Committee.
- 2.2 The Monitoring Officer has no authority to deal with an allegation, which appears to be an allegation of failure by a relevant member to observe the Code of Conduct, other than by reporting it to a Complaints Assessment Sub-Committee.
- 2.3 The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct by a relevant member. For the avoidance of doubt, the Monitoring Officer shall ensure that the matter is dealt with under a more appropriate procedure where it appears not to be an such an allegation, for example where it is really a –
- Request for service from the Authority
  - Statement of policy disagreement,
  - Legal claim against the Authority or
  - Complaint against an officer of the Authority.
- 2.4 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct by a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:

- 2.4.1 Acknowledge to the Complainant receipt of the allegation and confirm that the allegation will be assessed by a Complaints Assessment Sub-Committee at its next convenient meeting;
- 2.4.2 Notify the member against whom the allegation is made (“the subject member”) of receipt of the complaint, together with a written summary of the allegation, and confirm that the allegation will be assessed by a Complaints Assessment Sub-Committee.
- 2.4.3 Where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person’s ability to investigate the allegation, he/she may decide that no such advance notification shall be given but only after consulting –
  - The Chairman of the Complaints Assessment Sub-Committee convened to deal with the allegation, or in his/her absence,
  - The Chairman of the Standards Committee.
- 2.4.4 Collect such information as is readily available and would assist the Complaints Assessment Sub-Committee in its function of assessing the allegation;
- 2.4.5 Seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
- 2.4.6 Place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda of the Complaints Assessment Sub-Committee that has been convened to deal with the allegation.

### **3 Local Resolution**

- 3.1 Local resolution is not an alternative to reporting the allegation to a Complaints assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution-
  - 3.2.1 He/she shall approach the member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action.
  - 3.2.2 With the consent of the member concerned, the Monitoring Officer may then approach the Complainant and ask whether they are satisfied with such apology or other remedial action.

3.2.3 The Monitoring Officer shall then report to a Complaints Assessment Sub-Committee as required, and at the same time report the response of the member concerned and of the Complainant.

3.3 This procedure will only be considered appropriate where the subject member has acknowledged that his/her conduct was inappropriate, and where the Complainant is satisfied that the proffered apology or remedial action is sufficient.

3.4 In such cases the Complaints Assessment Sub-Committee shall take the local resolution into account when considering whether the matter merits investigation.

#### **4 Review of Decisions not to Investigate**

4.1 Where a Complaints Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the Complainant of the decision.

4.2 The complainant may then within 30 days of receipt of such notification request that a Complaints Review Sub-Committee review that decision.

4.3 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Complaints Review Sub-Committee -

- The information which was provided to the Complaints Assessment Sub-Committee in respect of the matter;
- The reasons for the decision of the Complaints Assessment Sub-Committee; and
- Any additional relevant information which has become available prior to the meeting of the Complaints Review Sub-Committee.

#### **5 Local Investigation**

5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.

5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Complaints assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.