

# **PART 4 - PROCEDURAL RULES**

## **SECTION D**

### **COMMITTEES, SUB COMMITTEES AND OTHER BODIES PROCEDURE RULES**

#### **COMMITTEES AND SUB-COMMITTEES - GENERAL**

##### **1. Application**

These Rules do not apply to the Executive except for Rules 24 to 33 relating to Working Groups. Procedure Rules for the Executive and Scrutiny Committees are already included in the Constitution elsewhere in Part 4.

##### **2. Size of Committees**

The size of Committees and other bodies will be decided by the Council at its Annual Meeting.

##### **3. Terms of Reference**

The terms of reference of committees and other bodies is set out in Part 3 of the Constitution.

##### **4. Who may sit on Committees**

4.1 All councillors may be members of a committee except:

- (a) At least 2 members of the Employment Committee will be members of the Executive.
- (b) At least one member of the Executive will be appointed to the Appointments Sub Committee.
- (c) At least one member of the Executive will be appointed to a Hearing Sub Committee
- (d) At least one member of the Executive will be appointed to an Appeals Sub Committee
- (e) No more than 25% of the employer's representatives on the Joint Staff Consultative Group will be members of the Executive.
- (f) No more than 10% (rounded up) of members appointed to the Planning Applications Committee will be members of the Executive.

- (d) No more than 10% (rounded up) of members appointed to the Licensing Committee will be members of the Executive.

## **5. Substitute Members of Committees**

- 5.1 Procedures for the appointment of substitute members of committees can be found in the Substitution Procedural Rules at Part 4 of the Constitution.

## **6. Chairing Committees**

- 6.1 The Council will appoint chairmen and vice-chairmen of all committees at its Annual Meeting.
- 6.2 In the absence of the chairman and vice-chairman, the committee will appoint a chairman for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the chairman.
- 6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chairman.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chairman will stand down and the remainder of the meeting will be chaired by the vice-chairman or, in his or her absence (or if he or she was the chairman subject to the vote) by a councillor elected for that purpose by the meeting.
- 6.4 Following a successful vote of no confidence in the chairman, he or she will not officiate at any subsequent meeting of the committee prior to the next meeting of the Council. At that meeting, the Council will consider whether to confirm the vote of no confidence. If by a simple majority the Council decides to confirm the vote, the office of chairman of the committee will be declared vacant and a new chairman will be elected by the Council.
- 6.5 No member of the Executive will chair any meeting of the Planning Applications Committee, the Licensing Committee or the Joint Staff Consultative Group or be the vice-chairman of that Group.

## **7. Appointment of Sub-Committees**

- 7.1 Committees may appoint such sub-committees as they consider appropriate.
- 7.2 The terms of reference of any sub-committee which can exercise statutory powers, such as the Licensing Sub-Committee, are set out in Part 3 of the Constitution.
- 7.3 Sub-committees shall appoint their chairman in such manner and for such period as they may determine.

## **8. Membership and Quorum of Sub-Committees - General**

- 8.1 With the exception of 8.2, 8.3 and 8.4 below, at least two-thirds of the members appointed to any sub-committee will be members of the Council unless decided otherwise by the Council.
- 8.2 The membership of a Licensing Sub-Committee shall comprise 3 members of the Licensing Committee. The quorum of a meeting of a Licensing Sub-Committee is 3.
- 8.3 The membership of an Appeals Sub-Committee or Hearing Sub-Committee shall comprise 3 members of the Employment Committee. The membership of an Appointments Sub-Committee shall comprise 5 members of the Employment Committee. The quorum for any meeting of a Sub-Committee of the Employment Committee is 3.
- 8.4 The membership of a Standards Sub-Committee shall comprise 3 members of the Audit & Standards Committee. The quorum of a meeting of a Standards Sub-Committee is 3.
- 8.5 Substitute members of the Audit & Standards Committee and Employment Committee may participate in their respective sub-committees in the event that members of the Committee are unavailable or are otherwise unable to participate due to conflicts of interest. In exceptional circumstances, including where an item relates to a decision of the Employment Committee or the committee's membership is otherwise prejudiced the membership of a sub-committee of a Hearing or Appeals Sub Committee may be drawn from the wider membership of the Council, with priority towards member representatives from the Joint Staff Consultative Group.
- 8.6 Substitute members of sub-committees will only be permitted where the committee has appointed those substitutes. Substitute members may only attend meetings to take the place of the ordinary member where that member will be absent for the whole of the meeting.

## **9. Time and Place of Meetings**

Meetings of committees or sub-committee will normally be held at Surrey Heath House, in public, at the dates and times specified in the annual timetable of meetings set by the Chief Executive.

## **10. Duration of Meetings**

- 10.1 At all committee meetings, subject to 10.2 below, at 10.00pm no further items of business will be conducted save for the conclusion of the item of business under discussion and that the meeting be adjourned to another date if there are outstanding items.

- 10.2 At meetings of the Planning Applications Committee, should only one further application remain to be determined at 10.00pm, then the Committee may consider that further application;
- 10.3 Committees are unable to suspend the Procedure Rule relating to the duration of the meeting.

## **11. Special Meetings of Committees**

- 11.1 The Chairman, the Mayor, or five members of a committee may call a special meeting of a committee at any time.
- 11.2 The summons to a special meeting will set out the business to be considered, and no other business will be considered at the meeting.

## **12. Who May Attend**

- 12.1 Members of the public may attend any committee or sub-committee meeting except where exempt or confidential information is being considered.
- 12.2 With the exception of an Appointments Sub Committee, a Hearing Sub Committee, an Appeals Sub Committee, the Joint Staff Consultative Group or the Employment Committee when considering any items on Part II of the agenda that in the view of the Monitoring Officer and Head of HR, Performance & Communications, in consultation with the Chairman and Vice Chairman of the Employment Committee, directly affect an individual's employment, any councillor may attend any committee or sub-committee meeting.
- 12.3 In order to respect the balance of Member and Staff Representatives on the Joint Staff Consultative Group, attendance at meetings by councillors who are not members of the Consultative Group will only be agreed in exceptional circumstances.
- 12.4 Attendance by any councillor at committee or sub-committee meetings will be recorded in the minutes of the meeting.
- 12.5 With the exception of meetings of the Licensing Sub-Committee, a councillor who attends a meeting of a committee or sub-committee may speak at the meeting on any agenda item.
- 12.6 A councillor who has moved a motion at Council which has been referred to a committee will be informed of the committee meeting at which it will be considered so that he/she can attend.

## **12A. Voting**

- 12A.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

12A.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote.

(a) If the Chairman fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Chairman casting an original vote and following that action with a casting vote. The Chairman's casting vote may be used whether or not the Chairman has already voted.

(b) with the exception of (c) below, in the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Chairman must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.

(c) There will be no restriction on how the Chairman of the Planning Applications Committee chooses to exercise a casting vote.

12A.3 The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

12A.4 If, before the Chairman begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes. Each member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

12A.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **13. Application of Council Procedure Rules**

The following Council Procedure Rules apply to meetings of committees and sub-committees with any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Notice of and Summons to Meetings - Rule 5
- (b) Cancellation of a Meeting - Rule 6
- (c) Previous decisions and motions - Rule 15
- (d) Minutes - Rule 17
- (e) Record of Attendance - Rule 18
- (f) Members' conduct - Rules 2.5, 20.6 and 20.7
- (g) Disturbance by the Public - Rule 21

## **14. Quorum**

- 14.1 The quorum for meetings of committees and sub-committees, except as provided for below, is one third of the membership rounded up, subject to a minimum of 2.
- 14.2 The quorum of the Licensing Sub-Committee is 3 members.
- 14.3 If after thirty minutes, a quorum is not present, the business will be adjourned to a fixed date or time or to the next ordinary meeting.
- 14.4 If during any meeting the Chairman notes that there is not a quorum present the meeting will be adjourned.

## **15. Business**

At each meeting of a committee or sub-committee held in public, the following business will be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) review of exempt items, if any;
- (f) the business as set out in the agenda.

## **16. Putting Items on the Agenda**

- 16.1 With the exception of meetings held for a specific statutory purpose, a chairman may require the Chief Executive to put on the agenda for any meeting, any matter which falls within the terms of reference of his/her committee or sub-committee.
- 16.2 Subject to the agreement of the chairman, any member of a committee or sub-committee, may ask the Chief Executive to place an item on the agenda for the next available meeting of the committee or sub-committee.

## **17. Exclusion of Public and Confidentiality**

- 17.1 Members of the public and press may only be excluded either in accordance with Section 100A (4) of the Local Government Act 1972 and the Access to Information Rules in Part 4 of this Constitution or Council Procedure Rule 22 (Disturbance by Public).
- 17.2 No person will disclose any matter dealt with in the absence of the public until such time as the Council, committee or sub-committee has determined that the matter can be released as information available to the public.

- 17.3 In addition, the Chief Executive or Executive Head of Corporate may at any time decide that any matter is no longer exempt within the meaning of Schedule 12A and will advise members accordingly.

## **PLANNING APPLICATIONS COMMITTEE**

### **18. Planning Applications Committee - Determining Planning Applications and other related consent applications**

- 18.1 The following Rules apply to meetings of the Planning Applications Committee when determining planning applications or other related consent applications.

#### 18.2 General

18.2.1 With the exception of the Chairman, Members of the Committee will be seated alphabetically and clearly separate from any councillors in attendance.

18.2.2 Any councillor in attendance may speak at the meeting in relation to an item. In circumstances where members are not members of the Planning Applications Committee, the first councillor may speak for up to 8 minutes, with any subsequent councillors for up to 5 minutes.

18.2.3 At the start of the meeting, the Chairman will advise any members of the public and press present of the roles of the members of the Committee, the councillors in attendance and the officers.

#### 18.3 Determination of Planning Applications and any other related consent applications

18.3.1 The Head of Planning's report and recommendation will be introduced.

18.3.2 Public speaking to take place in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.

18.3.3 The Chairman will invite debate on the application in relation to the Head of Planning's recommendation.

18.3.4 The Chairman will invite a Member to make a proposal in relation to the Head of Planning's recommendation.

18.3.5 The Chairman will ask for a seconder.

18.3.6 The proposal, once seconded, will be put to the vote. If the vote is lost, the Chairman will seek an alternative proposal.

18.3.7 Voting will be undertaken electronically or by a show of hands but the names of those members voting in favour, those voting against

and those abstaining will be called out by an officer so that the names can be recorded on the audio record and in the minutes of the meeting. Where there is a unanimous vote this procedure does not need to be followed and the Chairman will state this for the record.

18.3.8 Members may not participate in the debate or vote in connection with any application unless they are present for the whole consideration of that application.

18.4 Decisions Made Contrary to the Head of Planning's Recommendation

18.4.1 Where the Committee makes a decision to REFUSE an application contrary to the officers' recommendation, Members must give clear reasons for that decision and identify the planning reasons for refusal prior to the vote being taken. The exact wording of those reasons may be delegated to the Head of Planning to determine after consultation with the Chairman, Vice Chairman and ward councillors.

18.4.2 Where the Committee makes a decision to APPROVE an application contrary to the officers' recommendation, Members must give clear reasons for that decision, identify the conditions to be imposed and the reasons for the imposition of those conditions prior to the vote being taken. The exact wording of the conditions and the reasons for their imposition may be delegated to the Head of Planning to determine after consultation with the Chairman, Vice Chairman and ward councillors.

## **19 Public Participation at Planning Applications Committee**

Public speaking in relation to any application being considered by the Committee will only be permitted in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.

## **STANDARDS HEARING SUB COMMITTEE**

### **20 Procedure at meetings of Standards Sub Committees**

When a written allegation of a complaint against a member of the Borough Council or a parish council within the Borough Council's area has been received, the Sub Committee will follow a set procedure which is set out in the Documents which support the Constitution.



## **LICENSING SUB-COMMITTEES**

### **21. Appointment of Licensing Sub-Committees**

The establishment of and appointment of members and reserve members of Licensing Sub-Committees, which are sub-committees of the Licensing Committee, is delegated to the Head of Legal & Democratic Services.

## **SUB-COMMITTEES OF THE EMPLOYMENT COMMITTEE**

22.1 The Appointments Sub Committee will be supported by a senior officer and a Human Resources officer.

22.2 The Hearing Sub Committee and Appeals Sub Committee will be supported by a Human Resources officer. Where considered appropriate, legal or other independent advisors may also be present at the meeting. The affected employee is entitled to be accompanied by a Trade Union representative or another colleague, as set out in the Council's relevant Human Resources Policy.

## **WORKING GROUPS**

### **23. Appointment, duration, constitution and terms of reference**

The Council, the Executive and every committee and sub-committee may appoint working groups and determine their duration, constitution and terms of reference.

### **24. Membership**

24.1 Membership of a working group need not necessarily be drawn from the appointing body but will generally do so. Except for the Executive, the membership of working groups will reflect the political balance of the Council.

24.2 Membership of a working group will generally comprise councillors. However, if the appointing body considers it to be appropriate, officers of the Council or persons from outside the authority may be appointed as full or co-opted members.

### **25. Substitutes**

Unless otherwise decided by the appointing body, substitutes are permitted to serve as members of working groups at any meeting at which another member of the same political group is absent for the entire meeting. Where possible the same substitute will attend for the sake of continuity.

### **26. Appointment of Chairman**

Working groups will appoint their chairman in such manner and for such period as they may determine.

## **27. Who May Attend**

- 27.1 The public may not attend meetings of Working Groups.
- 27.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.
- 27.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present.

## **28. Application of Council Procedural Rules**

The following Council Procedural Rules apply to meetings of working groups any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Voting - Rule 16
- (b) Record of Attendance - Rule 18

## **29. Proceedings to remain Confidential**

The proceedings of meetings of Working Groups will remain as confidential until they have been made public with the authority of the Council, the Executive, a committee or sub-committee, as appropriate.