

# **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 23 to 29 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 two members of the Employment Committee will be members of the Executive.
- (b) No more than two of the employer's representatives on the Joint Staff Consultative Group will be members of the Executive.
- (c) 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 chairs and vice-chairs of all committees at its Annual Meeting.
- 6.2 In the absence of the chair and vice-chair, the committee will appoint a chair for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the chair.
- 6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chair.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chair will stand down and the remainder of the meeting will be chaired by the vice-chair or, in their absence (or if he or she was the chair subject to the vote) by a councillor elected for that purpose by the meeting.
- 6.4 The first item on the agenda for the next meeting will be the election of a new chair for the remainder of the municipal year.
- 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-chair of that Group. Where a single party is acting as the administration, a member of the opposition shall normally chair the Audit & Standards Committee.

## **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 three members of the Licensing Committee. The quorum of a meeting of a Licensing Sub-Committee is three.
- 8.3 The membership of an Appeals Sub-Committee or Hearing Sub-Committee shall comprise three members of the Employment Committee. The membership of an Appointments Sub-Committee shall comprise five members made up from the Employment Committee or its nominees and include a minimum of one opposition group leader, or their appointed deputy. The opposition group leader or their deputy are not required to be a member of the

Employment Committee in order to sit on an Appointment Sub-Committee, but may be so. Other groups leaders may attend meetings of Appointment Sub-Committees in a non-voting capacity if not already nominated by the Employment Committee. At least one member of the Executive will be appointed to a Sub-Committee of the Employment Committee. The quorum for any meeting of a Sub-Committee of the Employment Committee is three.

- 8.4 The membership of a Standards Sub-Committee shall comprise 3 members of the Audit, Standards and Risk Committee. The quorum of a meeting of a Standards Sub-Committee is three.
- 8.5 Substitute members of the Audit, Standards and Risk 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

- (a) an Appointments Sub Committee,
- (b) a Hearing Sub Committee,
- (c) an Appeals Sub Committee,
- (d) the Joint Staff Consultative Group
- (e) 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 Chair and Vice Chair 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 Chair will have a second or casting vote.

- (a) If the Chair fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Chair casting an original vote and

following that action with a casting vote. The Chair's casting vote may be used whether or not the Chair has already voted.

(b) with the exception of (c) below, in the event of a tied vote, the item will be subject to further debate. A further vote will then be taken. If deadlock has not been broken, the Chair will have a free vote but must be mindful of the merits and impact of the decision, any officer guidance or recommendations, and how the decision relates to the Council's statutory functions and duties.

(c) There will be no restriction on how the Chair of the Planning Applications Committee chooses to exercise a casting vote, which will be exercised immediately after the vote has been taken.

12A.3 The Chair 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 Chair 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 elsewhere in these rules, is half of the membership rounded down, plus one, subject to a minimum of 2.

14.2 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.

14.3 If during any meeting the Chair 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) questions received in accordance with Public Speaking Procedure Rules, if any;
- (e) the business as set out in the agenda;
- (f) review of exempt items, if any.

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

16.1 With the exception of meetings held for a specific statutory purpose, a chair 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 chair, 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 Head of Legal & Democratic Services 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 Chair, 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 Chair 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 Chair will invite debate on the application in relation to the Head of Planning's recommendation.

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

18.3.5 The Chair will ask for a seconder.

18.3.6 The proposal, once seconded, will be put to the vote. If the vote is lost, the Chair 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 Chair 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 Chair, Vice Chair 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 Chair, Vice Chair 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 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 Chair'.

- (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.