

# West Berkshire Council Constitution

## Part 7

# Regulatory and Other Committees Rules of Procedure

### Document Control

<b>Document Ref:</b>	WB/P&C/MF/2008-11	<b>Date Created:</b>	May 2007
<b>Version:</b>	11	<b>Date Modified:</b>	April 2017
<b>Revision due</b>	Annual		
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### Change History

Version	Date	Description
1.1	Jan 2010	Amendments to include speaking rights for Ward Members and align them with speaking rights of other parties accorded this right.7.13.3 and 7.13.4
1.2	March 2011	Amendment to 7.1.5 and addition of 7.1.6. Addition of Terms of Reference of Committees
2	Dec 2011	Changes approved at Council meeting on 6 December 2011.
3	April 2012	Changes to whole document as a consequence of the Senior Management Review
4	May 2012	Changes arising from implementation of the Localism Act 2012
5	May 2013	Changes arising from Annual Council on 14 May 2013
6	December 2013	7.1.1; 7.1.2; 7.1.3; 7.1.5; 7.1.6; 7.1.7; 7.2.5; 7.2.6; 7.2.7; 7.3.1; 7.6.2; 7.8; 7.7.2; 7.11.4 and Appendix A
7	September 2014	7.13.4
8	May 2015	Appendix A added



Version	Date	Description
9	July 2015	Amendments to 7.1.5 and 7.1.6 (removed) arising from the merge of the Governance and Audit and Standards Committees
10	May 2016	7.2.5 Amendment to take cognisance of the fact that Members are permitted to use Council issued electronic devices at meetings. Appendix A updated to reflect the creation of Select Committees
11	1 April 2017	Amend paragraph 7.13.2 to reflect new job title post Senior Management Review, and replacement of 'his/her' with 'their' in 7.11.2 and 7.1.7

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## **7.1 How Regulatory and Other Committees Work**

### **7.1.1 Area Planning Committees**

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint two Area Planning Committees (Eastern and Western) and a District Planning Committee. The Area Planning Committees shall consist of 12 Members reflecting the political balance of the Council.

The Area Planning Committees will consider, on behalf of the Council, applications for planning permission and other Development Control issues which are either outside the process delegated to Officers or applications or issues referred to the Committee in accordance with the approved protocol. The Area Planning Committees may refer a planning application to the District Planning Committee for determination.

Recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan there is a district wide public interest or there is a possibility for claims for significant costs against the Council, will be referred to the District Planning Committee.

### **7.1.2 District Planning Committee**

The District Planning Committee will be appointed at the Annual Meeting of Council, or as soon as possible thereafter. Membership shall be drawn from the Eastern and Western Area Planning Committees. The District Planning Committees shall consist of 12 Members reflecting the political balance of the Council and in addition will comprise six Members drawn from the Eastern Area Planning Committee and six Members drawn from the Western Area Planning Committee.

The Committee will consider, on behalf of the Council, recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan, there is a district wide public interest or there is a possibility for claims for significant costs against the Council.

### **7.1.3 Licensing Committee**

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Licensing Committee. The Licensing Committee shall consist of 12 Members reflecting the political balance of the Council.

The Licensing Committee will consider, on behalf of the Council as Licensing Authority, applications for licences where relevant representations have been received by the Police. The Committee will also consider licensing matters (as set out in Part 3 of this Constitution).

### **7.1.4 Licensing Sub-Committee**

The Licensing Committee will appoint, as and when necessary, a Sub-Committee to determine applications where representations have been received (as set out in Part 3 of this Constitution).

### **7.1.5 Governance and Ethics Committee**

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Governance and Ethics Committee. The Governance and Ethics Committee shall consist of 8 Members reflecting the political balance of the Council. In addition two non-voting co-opted Parish Councillors shall be appointed to the Committee.

The Council will delegate its work in relation to challenge and independent assurance on the Risk Management Framework and associated internal control to the Committee.

The main roles of the Governance and Ethics Committee are to challenge and provide independent assurance on the Risk Management Framework and associated internal controls of the Council, consider and make recommendations to the Council on proposed changes to the Constitution, review the Council's financial statements and review the external auditors' annual audit letter.

The Governance and Ethics Committee will also be charged with promoting and maintaining high standards of conduct by Councillors and co-opted Members; assisting Councillors and co-opted Members, to observe the Members' Code of Conduct; advising the Council on the adoption or revision of the Members' Code of Conduct; monitoring its operation; advising and training Councillors and co-opted Members on matters relating to the Members' Code of Conduct; granting dispensations to Councillors and co-opted Members on requirements relating to interests; ensuring arrangements are in place under which allegations of misconduct in respect of the members' Code of Conduct can be investigated and to review such arrangements appropriately; and to exercise the above in relation to the Parish and Town Councils in the District.

An Advisory Panel (comprising 8 members: 2 from the Administration, 2 from the main opposition party, 2 parish/town councillors and 2 independent persons) will be appointed and will be responsible for dealing with any complaints where evidence of breach of the Code of Conduct has been identified. The Advisory Panel will report its findings to the Governance and Ethics Committee for a formal decision. The Advisory Panel will be chaired by an Independent Person.

### **7.1.6 Personnel Committee**

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Personnel Committee. The Personnel Committee shall consist of 5 Members reflecting the political balance of the Council. The Council will delegate its work in relation to agreeing and making changes to HR Policies and Procedures, appointing staff at Head of Service level and above by means of an Appointments Panel, and for determining requests for the early release of pensions, subject to the financial implications of each request being approved the Executive decision-making process.



### **7.1.7 Appointment of Chairman and Vice-Chairman**

Each Committee, Sub-Committee, Panel and Task Group shall at its first meeting, before proceeding to any other business, elect a Chairman and Vice-Chairman who shall hold office for the same period as the Committee or such shorter period as may be determined at any time by the Council.

If a Chairman or Vice-Chairman ceases to hold office the Committee shall elect a new Chairman or Vice-Chairman at its next meeting.

The Chairman of Council shall not be elected Chairman or Vice-Chairman of any Committee during their period of office.

## **7.2 Meetings of Regulatory and Other Committees**

### **7.2.1 Ordinary Meetings**

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

### **7.2.2 Extraordinary Meetings**

The Chairman of a Committee or Sub-Committee may direct the summoning of an extraordinary meeting of a Committee, Sub-Committee at any time.

The Head of Strategic Support shall summons an extraordinary meeting of a Committee or Sub-Committee if three members of the Committee have requisitioned the Chairman of the Committee or Sub-Committee to summons an extraordinary meeting and they have refused to do so or has not within seven clear working days of the requisition called an extraordinary meeting to be held within twenty-one days of the requisition.

### **7.2.3 Adjustment to Dates**

The Chairman of the relevant Committee or Sub-Committee in consultation with the Vice-Chairman and the Head of Strategic Support, may make any adjustment to the date, time and place of meetings considered necessary or desirable.

### **7.2.4 Smoking**

There shall be a ban on smoking at all meetings.

### **7.2.5 Electronic Communication Devices**

Members are permitted to use their Council issued electronic devices at Council meetings. If Members wish to use other devices during meetings they should inform the Chairman who will then make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using devices (tablets) other than those issued by the Council may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.

Members should switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a Committee or Sub-Committee, a Members' use of an electronic communication device is causing proceedings to be disrupted any Member may move that the

Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.

Members wishing to record meetings (in visual or audio format) will need to do so in accordance with Appendix A to Part 7 (Regulatory and Other Committees Rules of Procedure).

### **7.2.6 Quorum**

The quorum for Committees and Sub-Committee meetings shall be as follows:

- Committees: One third of the whole number of Members of the Committee or four Members whichever is the greater.

**[Note: The numbers above do not include named substitutes unless they are representing a Member of the Council who is unable to attend. (Rule 7.2.7(b) below refers.)**

- Licensing Sub-Committees: Three Members.
- Other Sub-Committees, Panels or Task Groups: One-third of the whole number of Members of the Sub-Committee, Panel or Task Group or three Members, whichever is the greater.

### **7.2.7 Substitutes**

#### **General**

In respect of Regulatory or other Committees, there shall be appointed for the Municipal Year such number (if any) of substitute members as Council may from time to time determine.

#### **Appointment of Substitute**

If any member of a Regulatory or other Committee is unable to attend a meeting of the Committee or Sub-Committee they may appoint one of the nominated substitute members for that Committee or Sub-Committee to act in their place at the meeting. The appointment shall only take effect if the member making the appointment, or in the Member's absence their Group Leader or Deputy Group Leader, notifies the Head of Strategic Support no later than 30 minutes before the meeting that they will be unable to attend the meeting and of the name of the appointed substitute Member.

At the District Planning Committee the substitute must be a Member of the same Area Planning Committee as the Member they are substituting for.

**[Note: The Licensing Committee may not appoint substitutes].**

#### **Changing Substitutes**

A substitute may be changed during the Municipal Year provided that the Head of Strategic Support or designated Officer receives a written request from the appropriate Group Leader or Deputy Group Leader no later than 30 minutes before the meeting.

### **7.2.8 Continuation of Meeting**

Meetings of the Regulatory or other Committees or Sub-Committees should not normally continue past 10.00pm. If, however, the Chairman

believes that business could be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest

### **7.2.9 Committee and Sub-Committee Agendas**

- The Head of Strategic Support will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8 of the Constitution refers). The Head of Strategic Support will send an agenda by post or email to every Member of the Committee or Sub-Committee, or leave it at their usual place of residence, at least five clear working days before a meeting unless the meeting is convened at shorter notice as a matter of urgency. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

**[Note: Clear working days do not include day of agenda despatch or day of meeting.]**

- Members may raise an item of business at a Committee or Sub-Committee meeting by notifying the Head of Strategic Support of the subject matter on or by the Monday two weeks before the meeting. That item shall be included on the agenda for the meeting together with a report of appropriate Officers.
- Subject to Rule (d) below, copies of all Committee and Sub-Committee agendas and reports shall be circulated to all Members and substitutes of the relevant Committee or Sub-Committee and copies of the agenda front sheets shall be circulated to all other Members provided that the agenda and reports shall be circulated to any other Member on request.
- Copies of the agenda and reports relating to Area Planning Committees shall only be circulated to:
  - Members of the Committee;
  - Members representing the wards within the area of the Committee;
  - other Members on request.

## **7.3 Order of Business**

### **7.3.1 Ordinary Meetings of Committees and Sub-Committees**

The order of business at an ordinary meeting of a Committee or Sub-Committee shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive petitions.

**[Note: Petitions relating to planning and licensing applications will be received by Officers during the planning or licensing consultation process.]**

- (f) receive responses of the Council, Executive or other Committees to reports of the relevant Committee; and
- (g) consider any business specified in the agenda to the meeting.

### **7.3.2 Extraordinary Meetings of Committees and Sub-Committees**

The order of business at an extraordinary meeting of a Committee or Sub-Committee shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the agenda to the meeting.

**[Note: No Petitions may be received at an Extraordinary Meeting.]**

### **7.3.3 Variation**

With the exception of business specified in (a)-(d) of Rule 7.3.1 and (a)-(c) of Rule 7.3.2 above, the order of business may be varied at the discretion of the Chairman.

### **7.3.4 Referencing-up**

Subject to Rule 7.3.5 below, where:

- (a) an application referred to an Area Planning Committee:
  - is considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan, there is a district wide public interest or there is a possibility of a claim for significant costs against the Council; or
  - following a vote on the matter/application where the majority of Members of an Area Planning Committee so resolve
 then the application shall be referred to the District Planning Committee;
- (b) a matter is referred to the District Planning Committee in accordance with (a) above, the matter shall be determined by the District Planning Committee in accordance with Rule 7.9 - Rules of Debate.

### **7.3.5 Exceptions**

Rule 7.3.4 (Referencing-up) shall not apply to any matter which:

- is being considered by an Urgency Sub-Committee, or by a special meeting of a Committee or Sub-Committee which has been called because of the urgency of the matter; or

- is being considered by an ordinary meeting of a Committee or Sub-Committee and in respect of which the Chairman of the meeting acting reasonably considers that delay in determining the matter would prejudice the Council's position; or
- concerns the appointment, discipline or dismissal of a member of staff; or
- involves the hearing of representations (except in connection with petitions and planning applications) from persons other than Members of the Council.

### **7.3.6 Attendance of Non-Members of Committees**

Members of the Council shall be entitled to attend the proceedings of all Committees, Sub-Committees, Panels and Task Groups.

Members of the Council who are not Members of the Committee, Sub-Committee, or Panel (except Appointment/Appeals Panels) and Task Groups may speak during the proceedings of those bodies in the following circumstances:

- if the Chairman consents;
- in explanation of a Motion referred to it;
- if, in the case of an Area Planning Committee, a matter affects the Member's ward.

### **7.3.7 Confidentiality and Non-Disclosure of Reports**

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

## **7.4 Minutes of Committees and Sub-Committees**

### **7.4.1 Approval**

The Chairman of the Committee or Sub-Committee shall move "that the Minutes of the meeting of the (*specify which*) Committee/Sub-Committee held on (*date*) be signed as a correct record".

### **7.4.2 Accuracy**

Only the accuracy of the Minutes may be questioned and an amendment put forward to propose a change of wording. As soon as any such amendment has been agreed, the Chairman will sign the Minutes.

**[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original**

**set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]**

### **7.4.3 Signing Minutes**

Minutes shall be submitted to and signed at the next meeting of the Committee which is not an extraordinary meeting.

Due to the nature of the Licensing Sub-Committee Minutes (Record of Proceedings), these will be circulated after the meeting to the three Members of the Sub-Committee for them to sign as a true and correct record.

## **7.5 Urgent Items going to Urgency Sub-Committees**

### **7.5.1 Definition of Urgent Items**

For the purposes of this Standing Order "urgent item" means an item of business which needs to be decided before the next meeting of the appropriate Committee and which cannot be dealt with under the existing Scheme of Delegation to Officers.

### **7.5.2 Items Affecting Policy**

Items which would be of major significance to the established policies of the Council shall not be dealt with under this Rule of Procedure.

### **7.5.3 Late Urgent Reports**

If an urgent matter arises after an agenda for a meeting has been published, the Chairman may consent to a late urgent report being submitted to the Committee, Sub-Committee, Panel or Task Group.

The author(s) of such reports must, if possible, consult the appropriate Members (e.g. Ward Member or Member representative on an outside body) and include details of this consultation in their report.

The report must be circulated as soon as practicable to all Members who would usually receive the report, plus those consulted, even if this is after the meeting.

## **7.6 Motions**

### **7.6.1 Consideration of Motion**

At any meeting of a Committee or Sub-Committee, except an extraordinary meeting that does not appear in the timetable of meetings, a Notice of Motion may be submitted under this Rule for consideration.

The Committee or Sub-Committee can debate the Motion at the meeting, or if deemed appropriate, refer the Motion to Officers for a report to be considered at a subsequent meeting.

### **7.6.2 Motions which may be Moved without Notice**

The following Motions may be moved without notice:

- To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of a Committee or Sub-Committee are absent.

- Motions relating to:
- accuracy of Minutes;
- closure or adjournment of the meeting;
- order of or next business.
- To refer any matter to the Council, the Executive, a Committee, or a Statutory Officer.
- To appoint a Task Group or members of a Task Group if it arises from an item mentioned in the Committee or Sub-Committee agenda.
- To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- To withdraw a Motion or amendment with leave of the Chairman.
- To amend a Motion.
- To extend the time limit for speeches where these are in place.
- To allow the continuation of a meeting past 10.00pm.
- To suspend a Procedure Rule in accordance with Rule 7.7.1 (Suspension, Variation and Revocation of Rules of Procedure).
- To exclude the press and public in accordance with the statutory provisions.
- That the question be now put.
- That a Member named under paragraph 7.10.1 (Disorderly Conduct) be not further heard or leave the meeting
- To allow a member of the public to speak in accordance with paragraph 7.12.4 (Speaking).

That a Member named under Rule 7.2.5 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.

**[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 7.6.2 and 7.7.1 provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]**

## **7.7 Suspension, Variation and Revocation of Rules of Procedure**

### **7.7.1 Suspension of Rules of Procedure**

With the exception of Rules 7.4.3 (Signing Minutes) and 7.11.2 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of members of the Council, Committee or Sub-Committee are present.

**[Note: See Rule 7.6.2 above.]**

## **7.8 Petitions**

Petitions fall within the terms of reference of the Committee. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

## **7.9 Rules of Debate**

### **7.9.1 Seconding**

A Motion or amendment shall not be discussed until it has been formally moved and seconded.

### **7.9.2 Writing**

The Chairman may require a Motion or amendment to be put into writing before it is discussed or voted upon.

### **7.9.3 Speech content**

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

### **7.9.4 Speech length**

The Chairman may terminate a speech by a Member if he/she considers that it is not contributing to the effective working of the meeting.

### **7.9.5 Amendments**

An amendment shall:

- refer a subject of debate to Council, a Committee or Statutory Officer for consideration or reconsideration unless the Chairman rules otherwise in the interests of expedience; or
- leave out words; or
- leave out words and add others; or
- insert or add words
- not have the effect of introducing new subject matter or of negating the Motion before the Committee.

## **7.10 Behaviour of Members**

### **7.10.1 Disorderly Conduct**

If, at a meeting of a Committee or Sub-Committee, a Member:

- persistently disregards the ruling of the Chairman; or
- behaves irregularly, improperly or offensively; or
- willfully obstructs the business of the Committee or Sub-Committee;

any Member may move:

- that the Member named not be heard any further;
- that the Member named shall leave the meeting; and
- if the Motion is seconded, it be put to the vote without discussion.



## **7.10.2 Suspension of Sitting**

If there is a general disturbance or if the named Member continues to misbehave after a Motion under Rule 7.6.2 (Motions which may be Moved without Notice) has been carried and orderly business is prevented the Chairman may adjourn the meeting for as long as he/she considers necessary.

## **7.11 Voting**

### **7.11.1 Method of Voting**

Voting shall be by show of hands.

### **7.11.2 Recording of Votes**

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request. In these circumstances the Head of Strategic Support or their representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

### **7.11.3 Equality of Votes**

In the event of an equality of votes the Chairman shall have a second or casting vote.

## **7.12 Press and Public**

### **7.12.1 Admission**

The press and public shall be permitted to attend meetings of Committees or Sub-Committees unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989.

### **7.12.2 Exclusion of Employee**

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his / her own behalf either personally or by or with such representatives as the Committee may agree to receive.

### **7.12.3 Removal**

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Committee or Sub-Committee meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

#### **7.12.4 Speaking**

Members of the public may only speak at a meeting if the Committee or Sub-Committee so resolves when asking a question in accordance with these Rules of Procedure.

#### **7.12.5 Televising and Sound Recording of Meeting**

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 7.

### **7.13 Planning Applications**

#### **7.13.1 Speaking Rights**

Members of the public shall be entitled to speak during the consideration of any application for any approval or consent required under Town and Country Planning legislation in accordance with Rules 7.13.2 to 7.13.5 below.

#### **7.13.2 Notifying Head of Service**

Any member of the public who wishes to speak shall notify the Head of Development and Planning by 4.00pm on the day prior to the meeting.

#### **7.13.3 Procedure**

The following procedure shall apply in respect of each item where any of the aforementioned persons are present:

- Introduction of item by Officers;
- Representations by Parish/Town Council representative(s);
- Members' questions to Parish/Town Council representative(s);
- Representations by Adjoining Parish/Town Council representative(s) (when formally consulted or as agreed by the Chairman and Development Control Manager (or his representative) in advance of the meeting);
- Members' questions to Adjoining Parish/Town Council representative(s)
- Representations by objector(s);
- Members' questions to objector(s);
- Representations by supporter(s);
- Members' questions to supporter(s);
- Representations by applicant or agent.
- Members' questions to applicant or agent;
- Representation by Adjoining Ward Member(s)
- Members' questions to Adjoining Ward Member(s)
- Representation by Ward Member(s)
- Members' questions to Ward Member(s)

- Members' questions to Officers
- Consideration of application by Members.

**[Note 1: Questions raised as part of the above process may only be asked to clarify a statement made and not to introduce new business.]**

**[Note 2: For the avoidance of doubt and in accordance with the Council's custom and practice, should the Committee consider an application affecting more than one Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward.]**

#### **7.13.4 Time Allowed**

The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such longer period as the Chairman may allow with the consent of the Committee:

- Parish/Town Council representative(s);
- Adjoining Parish/Town Council representative(s);
- Objectors;
- Supporters;
- Applicant or agent;
- Adjoining Ward Member(s);
- Ward Member(s)

Where more than one individual representing the parties accorded speaking rights wishes to speak, the Chairman may if he/she considers it convenient and conducive to the despatch of the business of the meeting, require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

Where there is more than one adjoining Parish/Town Council speaking but requiring a fundamentally different outcome of either refusal or approval, the speakers will be allowed five minutes each; where the outcome required is fundamentally the same, the five Minutes will be shared by the speakers.

Where there is more than one Ward Member speaking, but requiring a fundamentally different outcome of either refusal or approval, the speakers will be allowed five minutes each; where the outcome required is fundamentally the same, the five Minutes will be shared by the speakers.

Ward Members on Planning Committees may take part in the debate or vote on an application where they are permitted to do so.

#### **7.13.5 Continuation of Meeting**

Meetings of Committees and Sub-Committees shall not normally continue past 10.00pm. If, however, the Chairman believes that business can be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be moved without notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

### **7.13.6 Suspension or Variation**

The Chairman may:

- suspend the operation of Rule 7.13.4 above (Time Allowed) during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
- vary the order of representations if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.

### **7.13.7 Referencing-up**

Subject to Procedure Rules 7.3.4 (Referencing-up) and 7.3.5 (Exceptions), the Area Planning Committees may refer a planning application to District Planning Committee for determination. Recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan, there is a district wide public interest or there is a possibility for claims for significant costs against the Council, will be referred to the District Planning Committee; or

Following a vote on the matter/ application where the majority of Members of an Area Planning Committee so resolve will be referred to the District Planning Committee.

## **7.14 Licensing Applications**

### **7.14.1 Speaking Rights**

Members of the public shall be entitled to speak during the consideration of any application for any approval or consent required under the Licensing Act 2003 in accordance with Rules 7.14.2 to 7.14.4 below.

### **7.14.2 Procedure**

The procedure set out below shall apply in respect of each item where any of the following persons are present:

- Introduction of item by Officers;
- Representation by Applicant/Agent;
- Members' questions to Applicant/Agent;
- Questioning of Applicant/Agent by interested parties;
- Representations by objector(s);
- Members' questions to objector(s);
- Questioning of objector(s) by interested parties;
- Representations by supporter(s);
- Members' questions to supporter(s);
- Questioning of supporter(s) by interested parties;
- Representations by Responsible Authorities;

- Members' questions to Responsible Authorities;
- Questioning of Responsible Authorities by interested parties;
- Representations by Ward Member;
- Members' questions to Ward Member(s);
- Questioning of Ward Member(s) by interested parties;
- Applicant/Agent's right to address comments made at the Sub-Committee meeting;
- Consideration of application by Members.

**[Note: Questions raised as part of the above process must either be for clarification, be relevant to the application or the Council's Licensing Policy.]**

### **7.14.3 Time Allowed**

The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed ten minutes or such longer period as the Chairman may allow with the consent of the Sub-Committee:

- Applicant;
- Objectors;
- Supporters;
- Each Responsible Authority as defined by the Act; Ward Member(s);
- Applicant/Agent whilst addressing comments made at the Sub-Committee meeting.

Where more than one objector to an application wishes to speak the Chairman may if he/she considers it convenient and conducive to the despatch of the business of the meeting require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

**[Note: If the Sub-Committee consents to a longer period for speeches this will be applicable for all those groups of speakers as set out above.]**

### **7.14.4 Continuation of Meeting**

Meetings of Committees and Sub-Committees shall not normally continue past 10.00pm. If, however, the Chairman believes that business can be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be moved without notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

### **7.14.5 Suspension or Variation**

The Chairman may:

- suspend the operation of Rule 7.14.3 above (Time Allowed) during the consideration of any application or for the remainder of the

meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or

- vary the order of representations if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.

#### **7.14.6 Determination of Applications**

Following the hearing of all the evidence the Sub-Committee will then retire to a separate room, from that used for the Sub-Committee meeting, to make its determination.

(a) In the case of a hearing under:

- Section 105(2)(a) – counter notice following police objection to temporary event notice;
- Section 167(5)(a) – review of premises licence following closure order;
- Paragraph 4(3)(a) of Schedule 8 – determination of application for conversion of existing licence;
- Paragraph 16(3)(a) of Schedule 8 – determination of application for conversion of existing club certificate; or
- Paragraph 26(3)(a) of Schedule 8 – determination of application by holder of a justices' licence for grant of personal licence;

The Sub-Committee must make its determination at the conclusion of the hearing.

(b) In any other case the Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

In relation to the hearings identified in (a) above once the Sub-Committee has come to a decision they will return to the meeting room and notify all parties of their determination.

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## Appendix A

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# Protocol Relating to Televising and Sound Recording of Meetings

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The Openness of Local Government Bodies Regulations came into effect on 6 August 2014. The Regulations give the public the right to film, audio record, take photographs and use social media and the internet at meetings to report on any meetings that are open to the public.

The Council's public meetings are the Council, Executive, Planning Committees, Licensing Committee, Governance and Ethics Committee, Health and Wellbeing Board, Personnel Committee, and Overview, Scrutiny Management Commission and its Sub-Committee(s).

The Protocol is set out below:

1. Although no prior permission is required, members of the public who wish to use any of the above listed recording mechanisms are advised to inform the Head of Strategic Support in advance.
2. The Head of Strategic Support shall ensure "reasonable facilities" are provided to facilitate reporting. This may include space to view and hear the meeting, seats, and a desk.
3. Television crews or persons undertaking audio or visual recording shall comply with the requests of the Head of Strategic Support or their representative as to arrangements for recording, including:
  - (a) filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode
  - (b) no flash or additional lighting is permitted
  - (c) filming, photography or audio recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings
  - (d) attendees would be advised at the start of the meeting that is being filmed, photographed or audio recorded
  - (e) a person undertaking the filming or audio recording shall respect any request from members of the public that they do not wish to be filmed
  - (f) There shall be no oral commentary permitted in the Meeting
  - (g) There shall be no filming of children present at the Meeting.
4. The Head of Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the method in which it is being recorded so that they may notify the attendees of the meeting.

Members of the public who have given notice of their wish to speak at any public meeting shall be able to decide to “opt out” of being recorded. This information will be relayed to the person wishing to record the meeting.

5. The Chairman shall be advised of any “objections to being recorded by members of the public speaking and shall ensure that before debate commences on any item the meeting and public attending are absolutely clear about who can and cannot be recorded.
6. No audio or visual recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
7. No link will be permitted to the Council’s sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
8. If there is a breach of this Protocol, the Chairman may at their discretion, after a warning, order that no further sound recording shall take place during the meeting.



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## Appendix B

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### Terms of Reference of Committees

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#### **Area Planning Committees and District Planning Committee**

See Part 3 – Scheme of Delegation.

#### **Licensing Committee and Sub-Committee**

See Part 3 – Scheme of Delegation.

#### **Governance and Ethics Committee**

See Part 2 (Articles of the Constitution) – paragraph 2.8.7

#### **Personnel Committee**

That, in order to comply with the Regulations under the Local Government Act 2000, the Council appoint a Personnel Committee (reporting direct to Council) consisting of five Members with the following terms of reference:

- powers to appoint staff at Head of Service level and above by means of an Appointments Panel.

*(Note: The Appointments Panel shall be selected from a pool of relevant Members.)*

- powers to determine requests for the early release of pensions subject to the financial implications of each request being approved through the Executive decision making process.
- powers to appoint Proper Officers.
- powers to designate officers as Head of Paid Service, Monitoring Officer and Section 151 Officer.
- powers to agree the financial implications of requests for the early release of pensions, subject to the personnel aspects of each request being approved by the Personnel Committee.
- to approve new and revised Human Resources and Health and Safety Policies
- to approve new and revised Human Resources and Health and Safety Procedures.

The power to approve new and revised Human Resources policies and procedures be delegated to the Chief Executive. The Chief Executive may decide to refer particular Human Resources policies and procedures to the Personnel Committee rather than exercise the delegation.