

## Council Procedure Rules

### Section 2 – Committees and Sub-Committees

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#### **NOTE ON THE CONDUCT OF LICENSING HEARINGS**

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, all hearings relating to the Authority's functions under the Licensing Act 2003, will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act.

#### **PROCEDURE RULES FOR COUNCIL COMMITTEES & SUB-COMMITTEES**

##### 1. Substitute Members and quorum

- 1.1 The number of substitute Members on each body and the quorum for each shall be as set out below:

#### **Explanatory note –quorum**

Unless stated otherwise in the table below, the quorum for any Committee shall be one quarter of its total membership, rounded up to the nearest whole number, subject to a minimum of three.

<b>Committee</b>	<b>Substitute Members</b>	<b>Quorum</b>
Planning and Environment Committee	10 (excluding Cabinet Members, and reflecting the political structure of the Council.) See Rule 2.7	3
Area Planning Sub-Committees:		
Finchley and Golders Green	7 (one substitute for each ward)	3
Chipping Barnet	7 (one substitute for each ward)	3

Hendon	7 (one substitute for each ward)	3
Environment Sub-Committees		
Finchley and Golders Green	7 (one substitute for each ward)	3
Chipping Barnet	7 (one substitute for each ward)	3
Hendon	7 (one substitute for each ward)	3
Standards Committee	2 for each political group	5 (to include at least three independent members and at least one elected members)
Standards Sub-committee	All other members of the Standards Committee	3 (to include two independent members and one elected member)
Licensing Committee	Not applicable	4
Special Committee (Constitution Review)	2 for each political group	3
Licensing Sub-Committee	All other members of the Licensing committee.	All three Members must be present for the meeting to proceed
Appeals Committees	2 for each appointed Member from the same political group	3
Audit	6 (2 for each political group)	3
Chief Officers Appointments Panel	6 (2 for each political group)	3
Chief Officers Disciplinary and Capability Investigating Panel	6 (2 for each political group)	3

Chief Officers Disciplinary Panel	6 (2 for each political group)	3
Cabinet Overview and Scrutiny Committee	6 (2 for each political group)	3
Overview and Scrutiny Committees	6 (2 for each political group)	3
General Functions Committee	6 (2 for each political group)	3
Pension Fund Committee	6 (2 for each political group)	3

## 2. Substitute Members – rules

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of another member of the body who is not a substitute Member and who is unable to attend the meeting.
- 2.2.1 Where seats on the body are allocated to political groups, a substitute Member can only attend, speak and vote at a meeting in place of another Member if both belong to the same political group.
- 2.2.2 Where seats on the body are allocated to Members on the basis that they are representing a particular electoral ward, a substitute Member can only attend, speak and vote at a meeting in place of another Member if both represent the same ward. (This rule does not apply to the Planning and Environment Committee – see instead rule 2.7).
- 2.3 Where there is more than one substitute per political group or ward, their names shall be listed in order of precedence for attendance.
- 2.4 No substitute may attend, speak and vote at a meeting unless the originally appointed Member and any substitute higher up the list has indicated to the Democratic Services Manager before the meeting that s/he is unable to attend.
- 2.5 Where the originally appointed Member is a member of a political group (within the meaning given by the Local Government and Housing Act 1989 and regulations made under that Act) the notification required in Rule 2.4 may be made to the Democratic Services Manager by the designated whip of the Member's political group subject to the Democratic Services

Manager being reasonably satisfied that the Member concerned is unable personally to give the notification due to illness or other reason preventing the Member being unable to communicate.

- 2.6 A substitute Member may only attend a committee meeting in place of a Member who, at the time of the commencement of the meeting, is an appointed member of the committee.
- 2.7 (i) A member of the Planning and Environment Committee who is unable to attend a meeting may ask any one of the substitutes from the same political group as the Member appointed by Council to that Committee to substitute for him or her;
- (ii) the notification of apologies and of the identity of the Substitute must be made personally by the Member concerned to the Democratic Services Manager. The notification may be made by the designated Group Whip of the Member's political group subject to the Democratic Services Manager being reasonably satisfied that the Member concerned is unable personally to give the notification due to illness or other reason preventing the Member being able to communicate.

#### **Explanatory note – substitute Members**

If a substitute Member attends a committee meeting on behalf of his or her colleague, the substitution lasts for the whole meeting, including any subsequent adjourned meetings.

### **3. Powers**

- 3.1 No committee or sub-committee shall take decisions unless they are within their delegated powers.

### **4. Quorum – Rules**

- 4.1 Except when authorised by statute or ordered by the Council, business shall not be transacted at any meeting of any committee or sub-committee unless there is a quorum.
- 4.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.
- 4.3 If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes have passed, the Democratic Services Manager will count the number of

Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.

**Explanatory Note – Inquorate meetings, adjourned meetings, cancellation and postponement**

Where a meeting is inquorate it cannot be held, and if a meeting already commenced becomes inquorate no further business can be transacted. Such a meeting is not “adjourned” since this would require a positive decision that the meeting is, of course, unable to take.

In these circumstances a new date for a meeting must be arranged in consultation with the Chairman and in compliance with the Access to Information Procedure Rules giving the requisite days notice of the meeting.

Where a meeting is adjourned by the Chairman, for example at 10 p.m. or under the provisions for general disturbance, or by a unanimous or majority decision of the Members a new meeting date must be arranged on the same basis.

Once a Committee or Sub-Committee has been convened by the proper officer publishing notice of the meeting there is no power for anyone to cancel or postpone it.

The meeting must take place and, if quorate, transact the business set out on the summons.

This does not prevent Members at the meeting, if they consider it inappropriate for the meeting to proceed for whatever reason, from taking a unanimous or majority decision to adjourn it.

There is a practical solution in exceptional circumstances (such as bad weather) where the Chairman could ask for Members to be advised not to attend thereby rendering the meeting inquorate.

**5. Chairman of meetings**

- 5.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, a Chairman must be elected for that meeting.
- 5.2 The person presiding at the meeting may exercise any power or duty of the Chairman concerning the conduct of committee, sub-committee or panel meetings.
- 5.3 In the event of more than one nomination for a Chairman, the procedure set out in Standing Order 20 must be followed.

- 5.4 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

## **6. Minutes**

- 6.1 The confirmation of the minutes of previous meetings must be the first item of business at the meeting, except when there is a need to elect a Chairman.
- 6.2 No discussion shall be allowed on the confirmation of minutes, nor any adjournment of the meeting to allow a discussion, nor any other interruption to consideration of this item of business. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

### **Explanatory note –amendment of the minutes**

Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made.

## **Members' rights**

### **7. Members' items for the agenda**

- 7.1 A Member will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or sub-committee on which s/he serves. A substitute Member will only be permitted to have an item on the agenda for a meeting which they are going to attend due to unavailability of the Member they will be substituting for, that Member having sent their apologies for absence and confirmation of the Member substituting for them to the Democratic Services Manager. This Standing Order does not apply to the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee and the Chief Officers Appointments, Investigating and Disciplinary Panels.
- 7.2 The Democratic Services Manager must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 11pm will be recorded as received on the next working day. The item must be signed by the Member and delivered by hand, fax or email.

- 7.3 Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.
- 8. Councillors' rights to attend meetings where they are not a member of the committee or sub-committee**
- 8.1 Councillors may attend any Council committee or sub-committee, even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the committee has excluded the press and public, with the following exceptions:
- 8.1.1 Any Councillor who is not an appointed member of the Appeals Committee or a chief officer appointments and disciplinary panel may not attend any part of these meetings.
- 8.1.2 Where a Councillor is not a member of the committee or sub-committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking the decisions.
- 8.1.3 Where there are circumstances that a Councillor should not remain in the meeting because s/he has a personal and prejudicial interest in the matter under consideration subject to Paragraph 12 of the Local Code of Conduct set out in Part 5 of the Constitution.

#### Explanatory Note - Rights to attend meetings

All Councillors have a general right to attend any committee or sub-committee, whether they are meeting in public or in private. However, it is important that Councillors who are not Members of the committee or sub-committee are not seen to be trying to overly influence the decision of the committee or sub-committee. They should, therefore, sit in the public gallery.

In the case of Licensing Sub-Committees, or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act 2003 or the Gambling Act 2005, Members are reminded of the Members' Licensing Code of Good Practice which sets out the rights and limitations in respect of Councillors attendance at these meetings. Councillors may also speak at meetings – see standing order 9.

**9. Councillors' rights to speak at committees or sub-committees when they are not a member**

9.1 Where a Councillor has a right to attend a committee or sub-committee under standing order 8, **with the exception of Licensing Sub-Committees, or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005**, s/he may speak at a meeting subject to:

9.1.1 giving notice to the Chairman of the meeting at least 15 minutes before the start of the meeting and

9.1.2 the Chairman giving his or her consent.

9.1.3 the following rules, which apply to a Member speaking at a meeting of an area planning committee of which they are not a member:

(a) the Member can only speak on applications within their ward;

(b) the Member must follow any propriety rules adopted by the Council, which prevent Members speaking in support of initiatives, which they or a body of which they are a member are supporting.

9.1.4 Any circumstances where a Councillor should not exercise a right to speak at the meeting because s/he has a personal and prejudicial interest in the matter under consideration subject to Paragraph 12 of the Local Code of Conduct set out in Part 5 of the Constitution.

## Explanatory Note – Councillors' rights to speak at meetings

Although the standing order says only 15 minutes notice is required, it is courteous and good practice to ensure the Chairman knows of your request in good time and is able to discuss any concerns with you. The Chairman is unlikely to withhold consent to any reasonable requests, which would not interfere with the effective conduct of the business of the meeting. For example, your request could be refused if a large number of Members have requested to speak on the same item.

A note sent the day before the meeting or message left on the answer phone or at an e-mail address on the day of the meeting is unlikely to reach the Chairman in time. Unless the Chairman receives the message, notice has not been given.

Councillors who are not members of an Area Planning Sub-Committee may only speak at these meetings on applications in their ward and if they follow propriety rules.

An Executive Member should not normally speak on any area planning application relating to their Executive role.

- 9.2 The Chairman of an Environment or Area Planning Sub-Committee, or the person who chaired the meeting, has the right to attend and speak at any meeting of the Planning and Environment Committee where there is a report from the sub-committee on the agenda.
- 9.3 One ward Member who is not a member of the Planning & Environment Committee shall have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by Members from more than one party group one Member from each party group may address the Committee.
- 9.4 Any Member who is not an appointed member of the Licensing Sub-Committee, or the Licensing Committee where the Committee is dealing with the hearing or review of determinations under the Licensing Act 2003 or the Gambling Act 2005, may only attend and speak at meetings of those Committees in accordance with the Members Licensing Code of Good Practice.

## 10. Personal and prejudicial interests

- 10.1 **Personal interest:** If any member of the Council has a personal interest in any matter being considered at a meeting, s/he must disclose to that meeting the existence and nature of that interest at the commencement of consideration of the matter or when the interest becomes apparent.

- 10.2 **Prejudicial interest:** If any member of the Council has a prejudicial interest in any matter being considered at a meeting, s/he must disclose that interest in accordance with Standing Order 10.1 and withdraw from the room (including the public gallery) until the matter has been dealt with unless s/he has obtained a dispensation from the Standards Committee or participation is otherwise permitted under Paragraph 12 of the Local Code of Conduct set out in Part 5 of the Constitution.

#### Explanatory Note – Declaring interests at meetings

When a Member declares a personal interest at a meeting, the Member should state clearly:

- (a) the specific nature of the interest e.g. employed by ABC Ltd. hold major shares in DC plc;
- (b) whether or not it is a prejudicial interest;

If it is a prejudicial interest the Member should state clearly:

- (a) the s/he will withdraw from the room until the matter has been dealt with; or
- (b) that a dispensation has been given by the Standards Committee permitting the Member to stay to speak and/or vote at the meeting and the nature of the dispensation or that participation is permitted under the Local Code of Conduct.

The Member's name, the nature of the interest and whether or not the Member remained in the meeting, took part in the debate or voted will be included in the minutes.

## 11. Disorderly conduct

- 11.1 If the Chairman considers that a Member of a committee, sub-committee, panel or any other body appointed by the Council is:-

11.1.1 persistently disregarding the ruling of the Chairman; or

11.1.2 behaving improperly or offensively; or

11.1.3 wilfully obstructing the business of the meeting; the Chairman or another Member may move "That [the Member named] be not further heard". The motion if seconded shall be voted on without discussion.

- 11.2 The Chairman must notify the meeting of the misconduct before they or another Member may move the motion. If the motion is approved, the named Member shall be entitled to vote on any remaining matters but must not speak.
- 11.3 If the named Member continues in a disorderly manner after the motion has been passed, the Chairman may either:-
- 11.3.1 move "That the Member named must leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - 11.3.2 adjourn the meeting.
- 11.4 A Member excluded from the meeting will not be entitled to return to the meeting to vote on any particular item.
- 11.5 A motion passed in accordance with either standing order will remain in force for any adjourned meeting.

## **Motions and amendments**

### **12. Validity of motions and amendments**

- 12.1 Every motion, amendment or question shall be relevant to matters within the committee, sub-committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.

#### **Explanatory Note – Declaring interests at meetings**

For the avoidance of doubt, the only motion which a Member can put before a Committee is one permitted under rule 7.1 or 13 of this section."

- 12.2 An amendment must be relevant to the motion and shall be to either:-
- 12.2.1 refer a subject of debate to another committee for consideration or re-consideration; or
  - 12.2.2 change the words (including leaving out words or adding words);

but such changes must not merely have the effect of negating the motion before the committee.

- 12.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.

- 12.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 12.5 If the amendment is lost further amendments may be proposed on the original motion.
- 12.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.

### **13. Motions, which may be moved during debate**

When a motion is under debate no other motion shall be moved except motions:-

- 13.1 to amend the motion;
- 13.2 to adjourn the meeting;
- 13.3 to adjourn the debate;
- 13.4 that the question be now put;
- 13.5 by the Chairman
  - that a Member be not further heard;
  - that a Member must leave the meeting;
- 13.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

### **Reports and decisions**

#### **14. Decisions**

- 14.1 After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and made available to all members of the Council. The decisions of Standards Sub-Committees in respect of the assessment of allegations that a Member has breached the Members' Code of Conduct and the review of such assessments are an exception to this.

### **Explanatory note – Circulation of decisions**

Hard copies of the minutes of a committee or sub-committee are routinely only sent to Members of that committee or sub-committee. If a Member wishes to receive hard copies of the minutes of a body of which s/he is not a member, s/he must request this from the Democratic Services Manager or his representative.

Minutes – Please see standing order 6 for confirmation of the minutes

## **15. Reports of committees to Council or parent body**

### **Explanatory note – Referring reports to parent bodies**

There are a number of ways committees and sub-committees may refer reports to their parent bodies or Council. In summary, these are as follows:-

1. if a matter is outside the powers of the committee or sub-committee, it must be referred to the parent body.
2. the Chairman of an area sub-committee may refer a matter up to the parent body, together with the sub-committee's recommendations
3. if the majority of members on the committee or sub-committee decide the parent body should consider the matter; (in this case the committee may either wish to make a recommendation to the parent body or request the parent body's instructions); or
4. if the committee has agreed the recommendations, but a minority of members wish the matter to be considered by the parent body.

In the fourth case, immediately after the vote is taken and before the Chairman has moved to the next item, a Member should state that s/he wishes the report to be referred to the parent body and the minimum number of Members required must vote to support that motion. The exact number of Members needed to support the request for each type of committee and sub-committee is listed in Part 3 of the Constitution, which is reproduced below. A vote must have been taken and a decision made before the matter can be referred to the parent body by a minority of Members. If the committees decide to take no action, the provision does not apply.

If a parent body has made a decision on a matter in the previous 6 months, a minority of Members cannot refer the matter back to the parent body. In addition, a minority of Members on an area planning sub-committee cannot refer planning applications and similar matters to the Planning and Environment Committee.

In all the above cases, no action will be taken until on the matter in the meantime.

## **Extract from Part 3 of the Constitution**

### **5. MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY**

- 5.1 Any committee listed in the following schedule may decide to report on any matter to Council and any sub-committee may report to its parent committee. In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.
- 5.2 A chairman of an area sub-committee may refer the sub-committee's recommendations up to the parent committee.
- 5.3 A specified number of members of a committee or sub-committee (see the table below) may require that a matter on which the committee or sub-committee had proposed to take action is referred up to the next meeting of the Council or the parent committee to which the committee or sub-committee would ordinarily report, subject to the exceptions set out in 5.5-5.8 below.
- 5.4 In such a case:-
- 5.4.1 for committees, the action the committee had proposed to take will be recommended to the Council;
  - 5.4.2 for sub-committees, the action the sub-committee had proposed to take will be recommended to the committee;
  - 5.4.3 no action shall be taken on the matter in the meantime.
- 5.5 The first exception is that no matter that has been the subject of a decision by the Council or, in the case of sub-committees, the parent committee in the previous six months may be referred up.
- 5.6 The second exception is that from Area Planning Sub-Committees no matter in respect of the regulatory and enforcement functions of the Council relating to town and country planning and the control of buildings and new streets may be referred up.
- 5.7 The third exception is that from the Planning and Environment Committee no matter in respect of the regulatory and enforcement functions of the Council relating to town and country planning may be referred up to the Council meeting.
- 5.8 This provision shall not apply to the Licensing Committee, Licensing Sub-Committees, the Pension Fund Committee, Standards Sub-

Committees, the Appeals Committee, Overview and Scrutiny Committees and Chief Officers Appointments, Investigating and Disciplinary Panels.

<b>Committee/Sub-Committee</b>	<b>No. of Members required to support a reference</b>	<b>Council/parent committee</b>
Planning and Environment	3	Council
Area planning sub-committees	2	Planning and Environment
Area environment sub-committees (council functions)	2	Planning and Environment
Area environment sub-committees (executive functions)	2	The Executive
General Functions Committee	3	The Council
NB Where area environment sub-committees are discharging executive functions a reference up can only be to the Executive.		

15.1 A summary of the officer's report to the committee and the recommendations of the committee will be submitted to the next meeting of the Council where:-

15.1.1 a committee has made recommendations on a matter within its terms of reference but outside its delegated powers; or

15.1.2 any committee has agreed to suspend a decision on a particular item until Council has considered the matter.

## **16. Reports of sub-committees and panels**

- 16.1 A report of a sub-committee or panel will be submitted to the next meeting of the parent committee where:-
- 16.1.1 the sub-committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
  - 16.1.2 any sub-committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent committee has considered the matter.
  - 16.1.3 a chairman of an area sub-committee has referred the decision up under paragraph 5.2 of Part 3 of the Constitution, in which case the sub-committee's recommendation will be referred up to the parent committee.
  - 16.1.4 any area environment sub-committee considering a proposal for discharging an Executive function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 16.2 Any report from a sub-committee or panel on its proceedings shall be submitted to the parent committee and not direct to the Council.

### **Suspension of business at committee and sub-committee meetings**

#### **17. The time limit for meeting and outstanding business**

- 17.1 Except as indicated below, no business at any meeting of a committee or sub-committee shall be transacted after 10 p.m. and any business transacted after that time shall be null and void. At 10 p.m. and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.
- 17.2 At any meeting of the Planning and Environment Committee and an Area Planning Sub-Committee, the Chairman may extend the period for the transaction of business to 10.30 p.m. This will be recorded in the Committee's/ Sub-committee's decisions.
- 17.3 If any items remain on the agenda to be dealt with, the committee may decide to:-
- 17.3.1 call a special meeting or refer the remaining items to the next ordinary meeting; or
  - 17.3.2 adjourn the meeting, but only the remaining items may be dealt with at the adjourned meeting. No new items may be put on the agenda and any substitutions at the meeting must remain for the adjourned meeting.

- 17.4 Standing order 17 does not apply to meetings of the Licensing Committee, the Licensing Sub-Committee, the Appeals Committee, the Chief Officers' Appointments Panel, the Chief Officers' Disciplinary and Capability Investigating Panel, or the Chief Officers' Disciplinary and Capability Panel or statutory bodies that are not council committees or sub-committees.

### **Voting and recording of votes**

#### **18. Voting at meetings:**

The mode of voting at all meetings of the Council, its committees, sub-committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.

#### **19. Members dissent:**

If immediately after a vote is taken, a member of the body requests his/her vote to be recorded, the Democratic Services Manager shall record in the minutes whether that person cast his/her vote:-

- 19.1 for the question; or
- 19.2 against the question; or
- 19.3 whether s/he abstained from voting.

#### **20. Voting on appointments:**

Where more than two persons are nominated for any position to be filled by the committee and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority of votes is given in favour of one person.