

# COMMITTEE PROCEDURE RULES

## 1 **Ordinary meetings of committees**

- (a) An ordinary meeting of a committee shall begin at 7.30pm (or such other time as the Chairman may agree shall be specified in the agenda) on the date specified for that meeting in the schedule of meetings published annually, and shall be held at Havering Town Hall or such other place as may be specified.
- (b) The Chairman of a committee may agree to a variation of the date, time or place of meeting or its cancellation, as appropriate.
- (c) The Head of Democratic Services shall publish a schedule of meetings for each municipal year. Subject to the provisions of this Rule and of Rule 4 following, all meetings shall be convened in accordance with the schedule.

## 2 **Conduct of meeting**

- (a) The Chairman of a meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council.
- (b) The Chairman may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the Chairman is of the opinion that there is insufficient information available to the committee to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.
- (c) The Chairman's ruling in relation to any aspect of the conduct of the meeting shall not be questioned.

## 3 **Special meetings of committees**

- (a) The Chairman of a committee may direct the Proper Officer to summon a special meeting of the committee at any time.

- (b) A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee, delivered to the Proper Officer not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting.
- (c) No business other than that specified by the Chairman or in the requisition when the meeting is convened shall be considered at that meeting, which shall be held before the next ordinary meeting of the committee on a date and time, and at a place, to be fixed by the Chairman.

#### **4 Quorum of committees**

- (a) No business shall be done at any committee meeting unless a quorum is present, or there is authority by law to continue or the Council or, in the case of a Sub-Committee, the parent committee have so ordered.
- (b) Subject to any provision in law, or unless these rules provide, or the Council agree, otherwise in any particular case, the quorum is one third of the whole number of the committee or sub-committee or other body, but must not be less than three members in the case of a committee, nor less than two members in the case of a sub-committee or other body.

#### **5 Appointment of Chairman and Vice-Chairman of committees**

- (a) The Chairman and Vice-Chairman of committees and sub-committees other than the Health and Wellbeing Board shall be appointed by the Council, and shall hold office until the next annual meeting of the Council
- (b) If the Chairman is unable to preside at a particular meeting of the committee, the Vice-Chairman will preside; if neither Chairman nor Vice-Chairman is able to be present, the committee shall elect another member to preside.
- (c) In the event of the appointed member becoming unable to act, or of a casual vacancy arising, then until either that member is able to resume the appointment, or a successor is appointed by the Council:
  - (i) in the absence of a Chairman, the Vice-Chairman shall act as Chairman
  - (ii) in the absence of both Chairman and Vice-Chairman, the leader of the group of which the Chairman is or was a member shall nominate a member of the Committee to act as Chairman.
- (d) Where two or more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.

#### **6 Voting in committee**

- (a) All questions in committee shall be determined by a majority of members present and entitled to vote. Voting shall be by use of the voting equipment (if available), or by show of hands.

(b) With the exception of voting at meetings of the Appointments Committee, all votes shall be recorded.

- (c) Where two or more Committees meet jointly:
  - (i) A separate vote shall be taken by each Committee and recorded accordingly
  - (ii) Any Member who is a Member of more than one Committee (whether as an appointed Member or as substitute for an appointed Member) shall be entitled to participate in the voting by each of the Committees of which he is a Member.
- (d) If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Chairman may exercise a casting vote.

This rule shall not be suspended.

## 7 **Attendance at committees**

### (a) **Mover of motion referred to committee**

A member who has moved a motion at a meeting of the Council which has been referred to any committee shall have notice of the meeting at which it is proposed to consider the motion and, if the member attends, shall have an opportunity of introducing it.

### (b) **Requisition of Executive Decision to Overview & Scrutiny Board**

Members who have signed a requisition of an Executive Decision to the Overview & Scrutiny Board shall have notice of the meeting at which it is proposed to consider the requisition and shall be expected to attend the meeting to explain the reasons for the requisition.

### (c) **Member not appointed to Committee**

A member of the Council who has not been appointed to a particular committee may nevertheless attend its meetings and, with the agreement of the Chairman, speak. The Chairman's agreement shall not, however, be required in the case of a Group Leader.

This rule shall not apply to meetings of Hearings Panels or the Licensing Sub-Committee, or where the rules of natural justice, human rights and compliance with the Members' Code of Conduct or similar legal principles prevent a Member from attending.

**(d) Substitute members**

- (i) Where a council member of a committee is listed as a member of a political group for the purpose of allocation of seats, all other listed eligible members of that group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. Only the first eligible substitute so to declare at the meeting may replace an absent member. The identities of the substitute and of the substituted members shall be declared at the outset of the meeting and recorded in the minutes.
- (ii) For the purposes of this rule, a meeting which has commenced on one date and re-convenes following adjournment on a different date shall be treated as two separate meetings so as to allow for the possibility of different attendance on the different dates.

**(e) Members of the public wishing to address the Committee**

The Chairman has discretion to permit one or more members of the public to address the Committee on a matter before it, provided he is satisfied that to do so will assist the Committee in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions (including as to the time permitted for that address) as he thinks fit.

This rule shall not apply to Hearings Panels, Sub-Committees of the Licensing Committee or where the rules of natural justice, human rights or similar legal principles prevent such an address.

This rule shall not apply where an Overview & Scrutiny Sub-Committee is dealing with a petition presented under the Council's petition scheme.

## 8 Conclusion of meetings

- (a) Meetings of the Appointments Committee when interviewing applicants prior to making an appointment to a post, t, Hearings Panels, and Sub-Committees of the Licensing Committee shall finish at such time as the committee or panel shall agree. The remainder of this rule shall not apply to those meetings.
- (b) As soon as two and a half hours (including any time spent in adjournment) have elapsed from the beginning of any other meeting:
  - (i) the business of the meeting will continue only until the end of the item being considered.
  - (ii) at that point the Chairman will propose a procedural motion to suspend this rule and extend the finishing time of the meeting.
  - (iii) if the procedural motion is lost the Chairman will then call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion.
- (c) If it is necessary to adjourn and reconvene in order to complete the business of the meeting, such adjournment shall be to a date, time and place to be fixed by the committee in question, or failing that, by the Chairman.

## 9 Definitions

In these rules, unless the context indicates otherwise, the term “committee” includes any committee, sub-committee, panel or working party of Councillors or predominately of Councillors appointed by the Council (other than the Cabinet and any committee of the Cabinet).

This rule shall not be suspended.

## 10 Suspension of Rules

All of these Rules may be suspended for the duration of a meeting by motion without notice, except where a Rule is noted as not being capable of suspension.

## Rules for specific meetings

- 11. These Rules may not be suspended

Sub-Committees of the Licensing Committee and Hearings Panels:

(a) **Membership**

Membership of Sub-Committees and Hearings Panels is open only to members of the respective Committees. Rule 7

(d) Substitute members shall not apply to such Sub-Committees or to Hearings Panels.

In constituting the membership of a Sub-Committee or Hearings Panel for a particular hearing, regard shall be had to the following principles:

- (i) each hearing shall be Chaired by either the Chairman or a Vice-Chairman of the appointing Committee (unless none of them is available)
- (ii) a Sub-Committee or Panel shall comprise members who neither represent, nor have a connection with, the appellant or complainant, the ward in which the appellant or complainant resides or in which any premises concerned are located
- (iii) so far as practicable, the members shall include one male member and one female member
- (iv) the political balance rules shall not apply to the composition of a Sub-Committee or Hearings Panel.

(b) **Independent persons**

Where an independent person is included in the membership of a Sub-Committee or Hearings Panel, that independent person shall have no connection with the appellant or complainant, the ward in which the complainant or appellant resides or in which any premises concerned are located.

Except where required otherwise by law, the quorum for a meeting shall not include an independent person, and a hearing may proceed even though the independent person is absent.

12 **Pensions Committee**

- (a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.

~~(b) The trade unions representing staff who are members of the Council's pension fund may between them appoint two representatives who shall be entitled to attend and speak at meetings of the Pension Committee, but not to vote. The representatives shall be entitled to remain should the public be excluded on the grounds that exempt information is to be considered.~~

~~(b) Although not strictly a member of the Committee, in accordance with the Constitution, one representative of the Officers is appointed by the unions to attend and contribute to meetings of the Committee. The appointee has no voting rights but is present during the discussion of any exempt business.~~

~~(c) The Officers shall be entitled to elect a representative who shall become a full member of the Committee and shall exercise full voting rights on their behalf.~~

### 13 **Regulatory Services Committee**

- (a) Where one or more objections have been received to an application, the objector(s) shall have an opportunity to address the committee before the application is determined. Any objector wishing to make an address must notify the Assistant Director Development not less than three days before the meeting at which the objection is to be held.
- (b) If there is more than one objector, they shall be invited to agree among themselves before the meeting who shall speak for them all; in the event that no agreement can be reached, the Chairman shall draw lots to determine who shall speak.
- (c) If an objector speaks against an application, the applicant or their designated representative shall be entitled to respond.
- (d) Addresses by both objector and applicant shall not exceed two minutes or such lesser time as the Committee by resolution, either generally or in relation to a specific application, may agree.
- (e) Only a Councillor representing the ward in which the planning application is located, or in exceptional circumstances any member of the Council, may call-in an application before the Regulatory Services Committee. Any such request

for call-in must be received by the Assistant Director Development in writing (to include email and facsimile) and must set out detailed reasons for the call in which must be related solely to matters of material planning concern. Any member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

- (f) A Councillor calling in a planning matter should attend the Regulatory Services Committee or appoint a substitute to explain the reasons for the call in.
- (g) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Regulatory Committee.
- (h) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

#### 14. 14. **Health and Wellbeing Board**

- (a) Quorum for Board meetings shall be nine members:
- (b) The Chairman of the Board will be appointed by the Leader of the Council along with other councillor representatives
- (c) All Board members have equal voting rights.
- (d) In accordance with The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, political proportionality rules do not apply to the Board.
- (e) Members of the public will only be entitled to speak at Board meetings at the discretion of the Chairman.
- (f) Sections 4, 5 and 7(d) of the committee procedure rules do not apply to the Board.

15. **Training and continuity of membership of certain committees**

- (a) In the interests of business continuity, each Group and Group Leader shall ensure that any Member appointed to a place allocated to that Group on the each of the Committees referred to in the following table shall have received, or shall within six months of appointment receive, training appropriate to its membership. If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed.
- (b) Each Group and Group Leaders shall strive to avoid making changes to their representation on the Committees referred to in the table for as long as possible and shall accordingly seek to ensure that their members remain on the particular committee for the period indicated:

<b>Committee</b>	<b>Period</b>
Audit	Full four year term
Licensing	At least two years
Pensions	Full four year term

- (c) For the Audit and Pensions, Committees, Groups shall nominate members other than those appointed to the respective Committees to be “designated substitutes”, to attend a meeting in the event that an appointed member is unable to do so. “Designated substitutes” shall participate in the same training opportunities as appointed members. Non-nominated members may not act as substitutes.
- (d) This rule shall operate without prejudice to the ability of the Council to require changes in membership where to do so is appropriate for other reasons, or to comply with statutory requirements.