

## Part 7

### Regulatory and Other Committees Rules of Procedure

#### Document Control

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| <b>Author:</b>        | Moira Fraser – Democratic Services Manager |                       |            |
| <b>Owning Service</b> | Policy and Communication                   |                       |            |

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# Contents

|       |   |  |                        |
|-------|---|--|------------------------|
| 7.1   | How Regulatory and Other Committees Work                      | 1  |                        |
| 7.1.1 | Area Planning Committees .....                                | 1  | Deleted: 4             |
| 7.1.2 | District Planning Committee .....                             | 1  | Deleted: 2             |
| 7.1.3 | Licensing Committee .....                                     | 1  | Deleted: 4             |
| 7.1.4 | Licensing Sub-Committee .....                                 | 1  | Deleted: 2             |
| 7.1.5 | Governance and Audit Committee .....                          | 1  | Deleted: 4             |
| 7.1.6 | Standards Committee .....                                     | 2  | Deleted: 3             |
| 7.1.7 | Personnel Committee .....                                     | 2  | Deleted: 4             |
| 7.1.8 | Appointment of Chairman and Vice-Chairman .....               | 2  | Deleted: 3             |
| 7.2   | Meetings of Regulatory and Other Committees                   | 4  | Deleted: 4             |
| 7.2.1 | Ordinary Meetings .....                                       | 4  | Deleted: 3             |
| 7.2.2 | Extraordinary Meetings .....                                  | 4  | Deleted: 4             |
| 7.2.3 | Adjustment to Dates .....                                     | 4  | Deleted: 3             |
| 7.2.4 | Smoking .....   | 4  | Deleted: Mobile Phones |
| 7.2.5 | <u>Electronic Communication Devices</u> .....                 | 4  | Deleted: 4             |
| 7.2.6 | Quorum .....  | 4  | Deleted: 3             |
| 7.2.7 | Substitutes .....   | 4  | Deleted: 4             |
| 7.2.8 | Continuation of Meeting .....                                 | 5  | Deleted: 3             |
| 7.2.9 | Committee and Sub-Committee Agendas .....                     | 5  | Deleted: 4             |
| 7.3   | Order of Business   | 7  | Deleted: 5             |
| 7.3.1 | Ordinary Meetings of Committees and Sub-Committees .....      | 7  | Deleted: 4             |
| 7.3.2 | Extraordinary Meetings of Committees and Sub-Committees ..... | 7  | Deleted: 7             |
| 7.3.3 | Variation .....   | 7  | Deleted: 5             |
| 7.3.4 | Referencing-up .....  | 7  | Deleted: 7             |
| 7.3.5 | Exceptions .....  | 7  | Deleted: 5             |
| 7.3.6 | Attendance of Non-Members of Committees .....                 | 7  | Deleted: 7             |
| 7.3.7 | Confidentiality and Non-Disclosure of Reports                 | <a href="#">Error! Bookmark not defined.</a> | Deleted: 5             |
| 7.4   | Minutes of Committees and Sub-Committees                      | 7  | Deleted: 7             |
| 7.4.1 | Approval .....  | 7  | Deleted: 5             |
| 7.4.2 | Accuracy .....  | 7  | Deleted: 7             |
| 7.4.3 | Signing Minutes .....   | 7  | Deleted: 5             |
| 7.5   | Urgent Items going to Urgency Sub-Committees                  | 7  | Deleted: 7             |
| 7.5.1 | Definition of Urgent Items .....                              | 7  | Deleted: 6             |
| 7.5.2 | Decisions by Urgency Sub-Committees .....                     | 7  | Deleted: 7             |
| 7.5.3 | Minutes of Urgency Sub-Committee Meetings .....               | 7  | Deleted: 6             |
| 7.5.4 | Items Affecting Policy .....                                  | 8  | Deleted: 7             |
| 7.5.5 | Late Urgent Reports .....                                     | 8  | Deleted: 7             |
|       |   |  | Deleted: 8             |
|       |   |  | Deleted: March         |

|        |  |    |                |
|--------|--|----|----------------|
| 7.6    | Motions  | 8  |                |
| 7.6.1  | Consideration of Motion.....                               | 9  | Deleted: 9     |
| 7.6.2  | Motions which may be Moved without Notice .....            | 9  | Deleted: 8     |
|        |  |    | Deleted: 9     |
| 7.7    | Suspension, Variation and Revocation of Rules of Procedure | 10 | Deleted: 8     |
|        |  |    | Deleted: 10    |
| 7.7.1  | Suspension of Rules of Procedure .....                     | 10 | Deleted: 9     |
| 7.7.2  | Variation/Revocation of Rules of Procedure.....            | 11 | Deleted: 10    |
|        |  |    | Deleted: 9     |
| 7.8    | Petitions  | 11 | Deleted: 10    |
|        |  |    | Deleted: 9     |
| 7.8.1  | Scope of Petitions.....                                    | 11 | Deleted: 11    |
| 7.8.2  | Inspection of Petitions .....                              | 11 | Deleted: 9     |
| 7.8.3  | Notice of Petitions.....                                   | 11 | Deleted: 11    |
| 7.8.4  | Presentation of Petitions by Members of the Public .....   | 11 | Deleted: 9     |
| 7.8.5  | Petitions Received Outside of the Council’s Meetings ..... | 11 | Deleted: 11    |
|        |  |    | Deleted: 10    |
| 7.9    | Rules of Debate  | 11 | Deleted: 11    |
|        |  |    | Deleted: 10    |
| 7.9.1  | Seconding.....   | 11 | Deleted: 11    |
| 7.9.2  | Writing .....  | 11 | Deleted: 10    |
| 7.9.3  | Speech content.....  | 11 | Deleted: 11    |
| 7.9.4  | Speech length .....  | 11 | Deleted: 10    |
| 7.9.5  | Amendments.....  | 11 | Deleted: 11    |
|        |  |    | Deleted: 10    |
| 7.10   | Behaviour of Members                                       | 11 | Deleted: 11    |
|        |  |    | Deleted: 12    |
| 7.10.1 | Disorderly Conduct.....                                    | 11 | Deleted: 11    |
| 7.10.2 | Suspension of Sitting .....                                | 12 | Deleted: 12    |
|        |  |    | Deleted: 11    |
| 7.11   | Voting   | 12 | Deleted: 12    |
|        |  |    |                |
| 7.11.1 | Method of Voting.....                                      | 12 |                |
| 7.11.2 | Recording of Votes.....                                    | 12 |                |
| 7.11.3 | Equality of Votes .....                                    | 12 |                |
| 7.11.4 | Appointments to Outside Bodies .....                       | 12 |                |
|        |  |    | Deleted: 12    |
| 7.12   | Press and Public   | 12 | Deleted: 13    |
|        |  |    |                |
| 7.12.1 | Admission .....  | 12 | Deleted: 12    |
| 7.12.2 | Exclusion of Employee .....                                | 13 | Deleted: 13    |
| 7.12.3 | Removal.....   | 13 | Deleted: 12    |
| 7.12.4 | Speaking.....  | 13 | Deleted: 13    |
| 7.12.5 | Televising and Sound Recording of Meeting.....             | 13 |                |
| 7.13   | Planning Applications                                      | 13 |                |
|        |  |    |                |
| 7.13.1 | Speaking Rights.....                                       | 13 |                |
| 7.13.2 | Notifying Head of Service .....                            | 13 |                |
| 7.13.3 | Procedure .....  | 13 | Deleted: March |

7.13.4 Time Allowed..... 14

7.13.5 Continuation of Meeting ..... 14

7.13.6 Suspension or Variation..... 14

7.13.7 Referencing-up ..... 14

7.14 Licensing Applications 15

7.14.1 Speaking Rights..... 15

7.14.2 Procedure ..... 15

7.14.3 Time Allowed..... 16

7.14.4 Continuation of Meeting ..... 16

7.14.5 Suspension or Variation..... 16

7.14.6 Determination of Applications ..... 16

Appendix A..... 18

Code of Practice Relating to Televising and Sound Recording of Meetings

Appendix B..... 19

Terms of Reference of Committees

Deleted: 14

Deleted: 15

Deleted: 16

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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 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 or the Local Development Framework, 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 as and when necessary and Membership shall be drawn from the Eastern and Western Area Planning Committees.

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 or the Local Development Framework, 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 will consider, on behalf of the Council as Licensing Authority, applications for licences where relevant representations have been received by the Police, any responsible authority or other interested party. 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 as set out in Part 3 of this Constitution.

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### 7.1.5 Governance and Audit Committee

The Governance and Audit Committee shall consist of 7 Members reflecting the political balance of the Council. 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.

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The main roles of the Governance and Audit 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.

### 7.1.6 Standards Committee

The Standards Committee shall consist of 12 Members (three Independent Members, three Parish Council Representatives and six District Councillors). The composition of the District Councillors will not reflect the political balance of the Council. The Standards Committee will be chaired by an Independent Member.

The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the Council. In addition it should promote, educate and support Councillors (both District and Parish) in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The Standards Committee has established three sub-committees to deal with any complaints received in respect of District or Parish Councillors' behaviour.

The Standards Committee also has a role in considering and recommending improvements to the relevant sections of the Constitution covering the conduct of Councillors and ethical standards of the Council.

### 7.1.7 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 [and Health and Safety](#) 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.

### 7.1.8 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 his/her period of office.

## 7.2 Order of Business

### 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.

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### **7.2.2 Order of Business - 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 from Members.
- 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.

### **7.2.3 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 Policy and Communication 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 he has 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.

### **7.2.4 Order of Business - 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.]**

### **7.2.5 Variation**

With the exception of business specified in (a)-(d) of Rule 7.2.2 and (a)-(c) of Rule 7.2.4 above, the order of business may be varied at the discretion of the Chairman.

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### 7.3 Meetings of Regulatory and Other Committees

#### 7.3.1 Adjustment to Dates

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

#### 7.3.2 Absence of Chairman and Vice-Chairman

If the Chairman and Vice-Chairman of Council are absent from a meeting another Member of the Committee elected by the Members present shall preside.

#### 7.3.3 Electronic Communication Devices

There shall be a ban on the inappropriate and unauthorised use of electronic communications devices at all meetings.

#### 7.3.4 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 7.3.4 Appointment of Substitute below refers).]**

- Licensing Sub-Committees: Three Members.
- Urgency 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.

#### 7.3.5 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 Policy and Communication 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.

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**Deleted: <#>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.¶

**<#>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 Policy and Communication 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 he has 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.¶

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 There shall be a ban on smoking at all meetings.¶

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**[Note: The Licensing Committee may not appoint substitutes although a named substitute is appointed to all Licensing Sub-Committees (drawn from the membership of the Licensing Committee)].**

### Changing Substitutes

A substitute may be changed during the municipal year provided that the Head of Policy and Communication or designated Officer receives a written request from the appropriate Group Leader or Deputy Group Leader no later than 30 minutes before the meeting.

### 7.3.6 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 (subject to statutory limitations):

- if the Chairman consents (subject to statutory limitations);
- in explanation of a Motion referred to it;

if, in the case of an Area Planning Committee, a matter affects the Member's ward;

if a relevant representation has been made under the Licensing Act 2003 within the approved period,

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### 7.3.7 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

### 7.3.8 Committee and Sub-Committee Agendas

The Head of Policy and Communication 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](#). The Head of Policy and Communication will provide to every Member of the Committee or Sub-Committee an agenda, 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.

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**[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 Policy and Communication 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

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report of appropriate Officers. This process will not be applied to Licensing or Planning Committees.

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. 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.

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**<#>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.

### 7.3.9 **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.

### 7.3.10 **Referencing-up**

Subject to Rule 7.3.10 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 or the Local Development Framework, 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.

### 7.3.11 **Exceptions**

Rule 7.3.9 (Referencing-up) shall not apply to any matter which:

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

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- 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
- involves the hearing of representations (except in connection with petitions and planning applications) from persons other than Members of the Council.

## 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 Procedure Rule 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 Decisions by Urgency Sub-Committees

Before an item is submitted to an Urgency Sub-Committee the appropriate Corporate Director shall, where possible, consult the Chief Executive and Chairman of the Committee and a statement as to the urgency shall be included in the report on the item.

### 7.5.3 Minutes of Urgency Sub-Committee Meetings

The Minutes of meetings of Urgency Sub-Committees shall be submitted to the next meeting of the appropriate Standing Committee.

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**<#>Order of Business¶**  
**<#>Ordinary Meetings of Committees and Sub-Committees ¶**  
 The order of business at an ordinary meeting of a Committee or Sub-Committee shall be to:¶  
 <#>elect a person to preside if the Chairman or Vice-Chairman are not present;

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 <#>receive apologies for the inability to attend the meeting;

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 <#>approve the Minutes of the last meeting;

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 <#>receive any declarations of interest from Members;

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 <#>receive petitions. ¶

**Deleted:** [Note: Petitions relating to planning applications will normally be received by Officers during the planning consultation process.]¶

**Deleted:** 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.¶

**<#>Extraordinary Meetings of Committees and Sub-Committees ¶**  
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 <#>receive apologies for the inability to attend the meeting;

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 <#>receive any declarations of interest from Members;

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 <#>consider any business specified in the agenda t (... [2])

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**<#>Members of the Co (... [3])**

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### **7.5.4 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.

### **7.5.5 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 Petitions**

### **7.6.1 Scope of Petitions**

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. 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 Officer.

### **7.6.2 Inspection of Petitions**

Paper petitions received by the Council will be available for public inspection during the Council's opening hours from Policy and Communication. Copies of the nature of paper petitions submitted at Regulatory and other Committee meetings will also be placed on the Council's petition website. The Council's website also hosts ePetitions available for public inspection.

### **7.6.3 Notice of Petitions**

Where sufficient notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the agenda.

### **7.6.4 Presentation of Petitions by Members of Council**

Members of Council who receive a petition from a member of the public can either:

- a) present it at the appropriate meeting; or
- b) pass it to the appropriate Officer.

Members of the Council may present petitions directly to a Committee or Sub-Committee and speak for up to five minutes on that petition. No

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further debate shall take place unless the relevant body receives a report on the matter.

The Chairman will advise the Councillor presenting the petition as to how the petition will be dealt with. However, if a petition relates to a matter on the agenda for the meeting of the Committee or Sub-Committee at which it is presented, it shall be dealt with at that meeting.

Petitions relating to licensing or planning applications will normally be received by Officers during the licensing or planning consultation process.

### **7.6.5 Presentation of Petitions by Members of the Public**

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

Members of the public are not able to present petitions to regulatory and other committees. Members of the public may present petitions to the Executive, to a Council Officer, or invite a Councillor to submit a petition on their behalf to Full Council.

### **7.6.6 Petitions Received Outside of the Council's Meetings**

Petitions received outside of the Council's meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedural Rules for Dealing with Representations):

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s) and notify Policy and Communication for inclusion on the Council's petition website and the Forward Plan.

Policy and Communication will invite the petition organiser to attend the meeting at which their petition is to be answered, where this response is not made by Individual Decision. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

## **7.7 Motions**

Motions must relate to matters of concern to the District of West Berkshire and to the terms of reference of the Committee or sub-Committee.

### **7.7.1 Submission 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.

### **7.7.2 Consideration of Motion**

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.

### **7.7.3 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.

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- 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.
- 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 (Behaviour of Members) 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).

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[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules **7.8,1 (Suspension of Rules of Procedure)** and **7.8,2 (Variation/Revocation of Rules of Procedure)** provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

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

### **7.8.1 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 **7.7,3 (Motions which may be moved without notice above,)**

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## **7.8.2 Variation/Revocation of Rules of Procedure**

Except at an Annual Meeting of the Council any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Council.

## **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. When seconding a Motion or amendment, a Member may reserve his/her speech until a later period in the debate.

### **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 to a Motion must be relevant to the Motion and will either be:

- To 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

as long as the effect of (b) to (d) is not to negate the Motion or to introduce new subject matter.

## **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

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 The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). P (... [4])

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- 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 or member of the public 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 they consider necessary.

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## 7.11 Voting

### 7.11.1 Method of Voting

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided upon by a simple majority of those present and permitted to vote on the matter at the time the question is put.

### 7.11.2 Chairman’s Casting Vote

In the event of equal numbers of votes for and against the Chairman (or standing Chairman) will have a second or casting vote.

### 7.11.3 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 Monitoring Officer or his/her 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.

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### 7.11.4 Appointments to Outside Bodies

If more than two persons are nominated for any position to be filled by a Committee or Sub-Committee on an outside body the outcome shall be determined by obtaining a simple majority of votes. If a majority is not obtained the relevant Committee or Sub-Committee can decide not to appoint. Appointments to outside bodies will be made in accordance with Appendix J to Part 13 of the Constitution (Protocol for Council Representation on Outside Bodies).

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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 and in accordance with Part 8 of the Access to Information Rules of Procedure.

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### **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 Electronic Communication Devices**

There shall be a ban on the inappropriate and unauthorised use of electronic communication devices at all meetings.

### **7.12.6 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 5.

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## **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 Planning and Countryside by 4.00 p.m. on the day prior to the meeting.

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### **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;
- Members' questions to Parish/Town Council representative;
- Representations by objector(s);
- Members' questions to objector(s);
- Representations by supporter(s);
- Members' questions to supporter(s);

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- Representations by applicant or agent.
- Members' questions to applicant or agent;
- Representation by Ward Member(s) (if not on the Committee);
- Members' questions to Ward Member(s) (if not on the Committee);
- 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 Parish and/or Ward, the Chairman, with the agreement of the Committee, may allow additional speakers/representatives from the relevant Ward and/or Parish.]**

#### **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 Council, Committee or Sub-Committee:

- Parish/Town Council representative;
- Objectors;
- Supporters;
- Applicant or agent;
- Ward Member(s) (if not on the Committee).

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.

#### **7.13.5 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.

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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 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

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and/or his representative to have a possible conflict with a policy that would undermine the Development Plan or the Local Development Framework, 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 following procedure shall apply in respect of each item where any of the aforementioned 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)**

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### **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; eg Police, Environmental Health;
- 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 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.

**Deleted: <#>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 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

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- 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.

## Appendix A

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# Code of Practice Relating to Televising and Sound Recording of Meetings

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The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Policy and Communication and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Policy and Communication.
2. The Head of Policy and Communication shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
3. Filming or recording will only be permitted for a public purpose.
4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Policy and Communication or his/her representatives as to arrangements for filming and recording.
5. No filming or 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.
6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Sub-Committee, etc., agrees.
7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
8. 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.
9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming 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 Audit Committee**

The overall purpose of the Governance and Audit Committee is to provide effective challenge across the Council and independent assurance on the risk management framework and associated internal control environment to Members and the public, independently of the Executive.

Specifically the Governance and Audit Committee will:

- Consider and make recommendations to the Council on proposed changes to the Constitution.
- Consider any issues emanating from the Government and determine their effect on the Council's business and governance processes.
- Review the effectiveness of the Council's Risk Management arrangements, the control environment and associated Anti Fraud and Corruption arrangements.
- Seek assurance that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the Council's assurance statements (currently produced annually by all Heads of Service) and the Annual Governance Statement properly reflect the risk environment and any actions required to improve it.
- Be satisfied that any Partnership that the Council enters into has robust Governance and Risk Management arrangements and that any risk to the Council from the Partnership is minimised.
- Approve the Internal Audit Strategy and Plan (to ensure that there is adequate coverage) and monitor performance (assessing whether adequate skills and resources are available to provide an effective function).
- Review summary internal audit reports and the main issues arising and seek assurances that action has been taken where necessary.
- Receive the annual report from the Head of Internal Audit.
- To consider any issues brought to the attention of the Committee, or Chair and Vice-Chair, by the Head of Internal Audit at any time during the year.
- Consider reports of external audit and inspection agencies.

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- Ensure that there are effective relationships between external and internal audit and inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
- Review the financial statements, including the suitability of accounting policies and treatments, provisions or adjustments.
- Review the external auditors annual audit letter, any other reports and opinion and monitor management action in response to issues raised. (Also comment on the external auditors planned work programme.)

### Standards Committee

The general functions of the Standards Committee are:

- promoting and maintaining high standards of conduct by Members and co-opted Members; and
- assisting Members and co-opted Members to observe the Code of Conduct.

The terms of reference for the Committee are:

- promoting, monitoring and reviewing the rules controlling the behaviour of Councillors and Officers (Code of Conduct);
- recommending improvements to the relevant sections of the Constitution covering Councillor conduct and ethical standards;
- to initially assess and review complaints against West Berkshire Councillors and Parish and Town Councillors in West Berkshire and to decide what action (if any) to take;
- to consider the results of any investigation into the behaviour of Councillors and decide whether their behaviour has broken the rules described above. If the Councillor is found to have broken the rules, the Committee decide what punishment to impose;
- to provide advice and guidance to Members, Parish Councillors and Officers and to make arrangements for training them on standards issues; and
- to advise the Council about changes which need to be made to the code of conduct for Members and Officers and to promote, monitor and review these codes.

Each of the Standards Committee's Sub-Committees (Assessment Sub-Committee, Review Sub-Committee and Hearing Panel) also has their own Terms of Reference which are available on request from the Democratic Services Manager.

### 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.)*

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- 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 and Health and Safety 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.

- 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.

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

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

### **elect a person to preside if the Chairman or Vice-Chairman are not present;**

consider any business specified in the agenda to the meeting.

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

### **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.

### **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 or the Local Development Framework, 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 resolvethen 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.

### **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.

## **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.**

## **Petitions**

### **Scope of Petitions**

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions must relate to Council business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented. 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 Officer.

**[Note:**

**Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.**

**Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.**

**The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (4.14.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.]**

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## **Inspection of Petitions**

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**etitions received by the Council will be available for public inspection during the Council's opening hours from**

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Policy and Communication. Copies of the nature of paper petitions submitted at Regulatory and other Committee meetings will also be placed on the Council's petition website. The Council's website also hosts ePetitions available for public inspection.

## **Notice of Petitions**

Where sufficient notice of a petition is given to the Head of Policy and Communication by 10.00am seven clear working days before the meeting details will be included in the agenda.

### **Presentation of Petitions by Members of Council**

Members of Council who receive a petition from a member of the public can either:

**present it at the appropriate meeting; or**

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pass it to the appropriate Officer.

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Petitions relating to planning applications will normally be received by Officers during the planning consultation process.

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Members of the Council may present petitions directly to a Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The Chairman will advise the Councillor presenting the petition as to how the petition will be dealt with. However, if a petition relates to a matter on the agenda for the meeting of the Committee or Sub-Committee at which it is presented, it shall be dealt with at that meeting.

Petitions relating to licensing or planning applications will normally be received by Officers during the licensing or planning consultation process.

Page 11: [12] Deleted Imather 07/09/11 15:32:00

**Only Members of the Council may present petitions to Council and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents,**

Page 11: [13] Deleted Imather 07/09/11 15:32:00

### **Presentation of Petitions by Members of the Public**

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

Page 11: [14] Deleted Imather 07/09/11 15:32:00

Petitions relating to planning applications will normally be received by Officers during the planning consultation process.

Page 11: [15] Deleted Imather 07/09/11 15:32:00

### **Members of the public are not able to**

Page 11: [16] Deleted Imather 07/09/11 15:32:00

**an Officer or to a Committee or Sub-Committee and speak for up to five minutes on that petition.**

## **No further debate shall take place unless the relevant body receives a report on the matter.**

**Page 11: [17] Deleted** **lmather** **07/09/11 15:32:00**

regulatory and other committees. Members of the public may present petitions to the Executive, to a Council Officer, or invite a Councillor to submit a petition on their behalf to Full Council.

**Page 11: [18] Deleted** **lmather** **07/09/11 15:32:00**

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Communication, within three clear working days, as to where the petition will be referred.

However, if the petition relates to a matter on the agenda for the meeting of the Committee at which it is presented, it shall be dealt with at that meeting.

**Page 11: [19] Deleted** **lmather** **07/09/11 15:32:00**

### **Petitions Received Outside of the Council's Meetings**

#### **Petitions received outside of the Council's meetings (i.e. presented to an Officer),**

**Page 11: [20] Deleted** **lmather** **07/09/11 15:32:00**

#### **should abide by the following procedure**

**Page 11: [21] Deleted** **lmather** **07/09/11 15:32:00**

will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedural Rules for Dealing with Representations):

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s) and notify Policy and Communication for inclusion on the Council's petition website and the Forward Plan.

**Page 11: [22] Deleted** **lmather** **07/09/11 15:32:00**

If the petition has less than 10 signatures, then the matter will be dealt with by the appropriate Officer.

If the petition has more than 10 signatures, then the Officer will complete a 'Petition Submission Form' and send a copy of the petition, the 'Submission Form' and the acknowledgement letter to the Policy and Communication Service Unit. The 'Submission Form' will identify to which decision-making body i.e. the Executive meeting the response will be tabled and on which date.

The Policy and Communication Service Unit will record centrally the petition and, using the information provided on the



'Submission Form', will ensure that the item is included on the West Berkshire Council Forward Plan.

**The**

**Page 11: [23] Deleted** **lmather** **07/09/11 15:32:00**

**Policy and Communication**

**Page 11: [24] Deleted** **lmather** **07/09/11 15:32:00**

**will invite the petition organiser**

**Page 11: [25] Deleted** **lmather** **07/09/11 15:32:00**

**to attend the meeting at which their petition is**

**Page 11: [26] Deleted** **lmather** **07/09/11 15:32:00**

to be answered, where this response is not made by Individual Decision. A copy of the appropriate agenda and report will be sent with the letter and a copy will be sent to the Ward Member(s).

**Page 11: [27] Deleted** **lmather** **07/09/11 15:37:00**

or of negating the Motion before the Committee