

## APPENDIX L

### Section 2 – Meetings Procedures

#### 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. Membership and Quorum

- 1.1 The following table outlines Committee and Sub-Committee Membership arrangements:

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
Planning and Environment Committee	10	10 (excluding Cabinet Members, and reflecting the political structure of the Council.) See Rule 2.7	3
<b>Area Planning Sub-Committees:</b>			
East Area	10	10 (one substitute for each ward)	3
West Area	11	11 (one substitute for each ward)	3
<b>Environment Sub-Committees</b>			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for	3

		each ward)	
Licensing Committee	10	Not applicable	3
Constitution, Ethics and Probity Committee	10	6 (2 for each political group)	3
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit	7	3 (1 for each political group)	3
Remuneration Committee	5	3 (1 for each political group)	3
Business Management, Budget & Performance and Health Overview and Scrutiny Committees	10	6 (2 for each political group)	3
Safeguarding Overview and Scrutiny Committee	11	6 (2 for each political group)	3
General Functions Committee	7	6 (2 for each political group)	3
Pension Fund Committee	6	6 (2 for each political group)	3
Health and Well-being Board	10	3 (1 for each elected Councillor)	3 This must include at least one elected Councillor

## **2. Substitute Members – Rules**

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of a committee member from the same political group who is unable to attend the meeting. If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

## **3. Quorum – Rules**

- 3.1 If a committee or sub-committee is inquorate, it cannot transact any business. 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 elapsed, the Head of Governance 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.
- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

## **4. Chairman of Meetings**

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. 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.
- 4.2 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.
- 4.3 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.

## **5. Minutes**

- 5.1 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.
- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. 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.

## **Members' Rights**

### **6. Members' Items for the Agenda**

- 6.1 A Member (including appointed substitute Members) 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. This Standing Order does not apply to the Licensing Committee and Licensing Sub-Committees. .
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

### **7. Councillors' rights to attend and speak at committees or sub-committees when they are not a member**

- 7.1 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.
- 7.2 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 decisions.

- 7.3 Where a Councillor has a right to attend a committee or sub-committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent.
- 7.4 The following arrangements apply in the cases of Licensing Committees and Planning Committees:
- 7.4.1 Members may only attend and speak at 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) in accordance with the Members Licensing Code of Good Practice.
- 7.4.2 Members may only address Area Planning Sub-Committees on applications which affect their ward.
- 7.4.3 One ward Member who is not a member of the Planning and Environment Committee will 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.
- 7.5 Where an area sub-committee has referred an item up to the parent committee, the Chairman of the sub-committee will have a right to attend and speak at the meeting of the parent committee where the referral is being considered.

## **8. Disorderly Conduct**

- 8.1 If the Chairman considers that a Member is behaving improperly or offensively he/she Chairman reserves the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.
- 8.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

## **Motions and Amendments**

### **9. Validity of Motions and Amendments**

- 9.1 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.
- 9.2 An amendment must be relevant to the motion and shall be to either:-
- 9.2.1 refer a subject of debate to another committee for consideration or re-consideration; or
  - 9.2.2 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.
- 9.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 9.4 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.
- 9.5 If the amendment is lost further amendments may be proposed on the original motion.
- 9.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 9.7 All motions which are moved and voted on will be recorded in the decisions of the committee or sub-committee.

### **10. Motions which may be moved during debate**

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

- 10.1 to amend the motion;
- 10.2 to adjourn the meeting;
- 10.3 to adjourn the debate;

10.4 that the question be now put;

10.5 by the Chairman

- that a Member be prevented from speaking;
- that a Member must leave the meeting;

10.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

## **Decisions**

11. After each meeting decisions made under the committee or sub-committee's delegated powers will be produced and published on the council's website and will be made available in paper format on request.

### **12. Reports of Committees to Council or parent body**

12.1 There are a number of ways committees and sub-committees may refer reports to their parent bodies or Council 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

12.2 In the case of the Planning and Environment Committee and General Functions Committee, 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.

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

- 13.1 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
  - 13.1.2 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.
  - 13.1.3 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.
  - 13.1.4 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.
- 13.2 Any report from a sub-committee or panel on its proceedings shall be submitted to the parent committee and not direct to the Council.

**14. Suspension of business at committee and sub-committee meetings**

- 14.1 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.
- 14.2 At any meeting of the Council, Planning and Environment Committee and an Area Planning Sub-Committees, the Chairman at their sole discretion 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.
- 14.3 Residents Forums will meet at 6pm and will conclude their business by 8pm at the latest, followed by the Area Environment sub-Committee on the same night and same venue at 7pm or on the conclusion of the Residents' Forum, whichever is later.
- 14.4 If any items remain on the agenda to be dealt with, the committee or sub-committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting

**Voting and recording of votes**

**15. Voting at meetings:**



15.1 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.

**16. Members dissent:**

16.1 A member of the body can request that his/her vote to be recorded in the minutes