

## **Part D – Committee Structure and Procedure Rules**

Some matters are dealt with by specific committees. These are specific groups of councillors who meet regularly to make decisions about defined parts of the Council's work such as planning and standards. The Council as a whole decides how these committees are made up and who will serve on each committee.

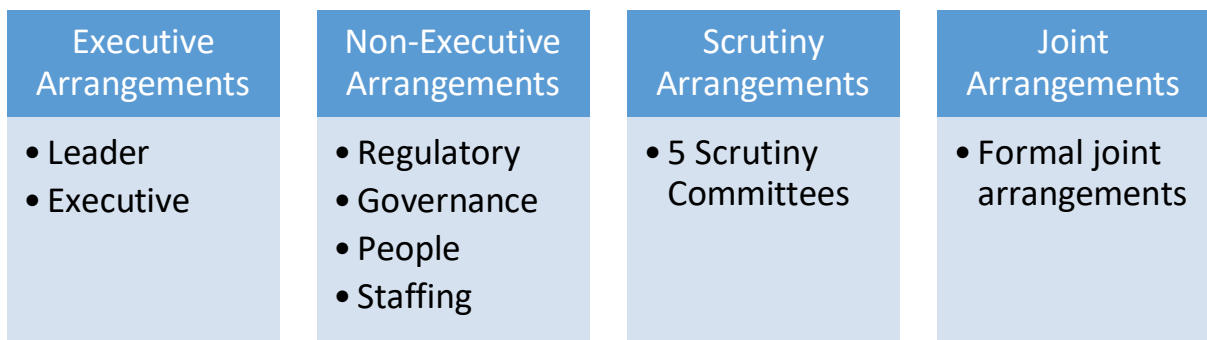
This section sets out the committees in Somerset Council, the scope of their delegated powers, their terms of reference as well as the rules about how committee meetings are run and decisions are made.

These rules are written in formal language. If you have specific questions our democratic services team will be happy to help you.

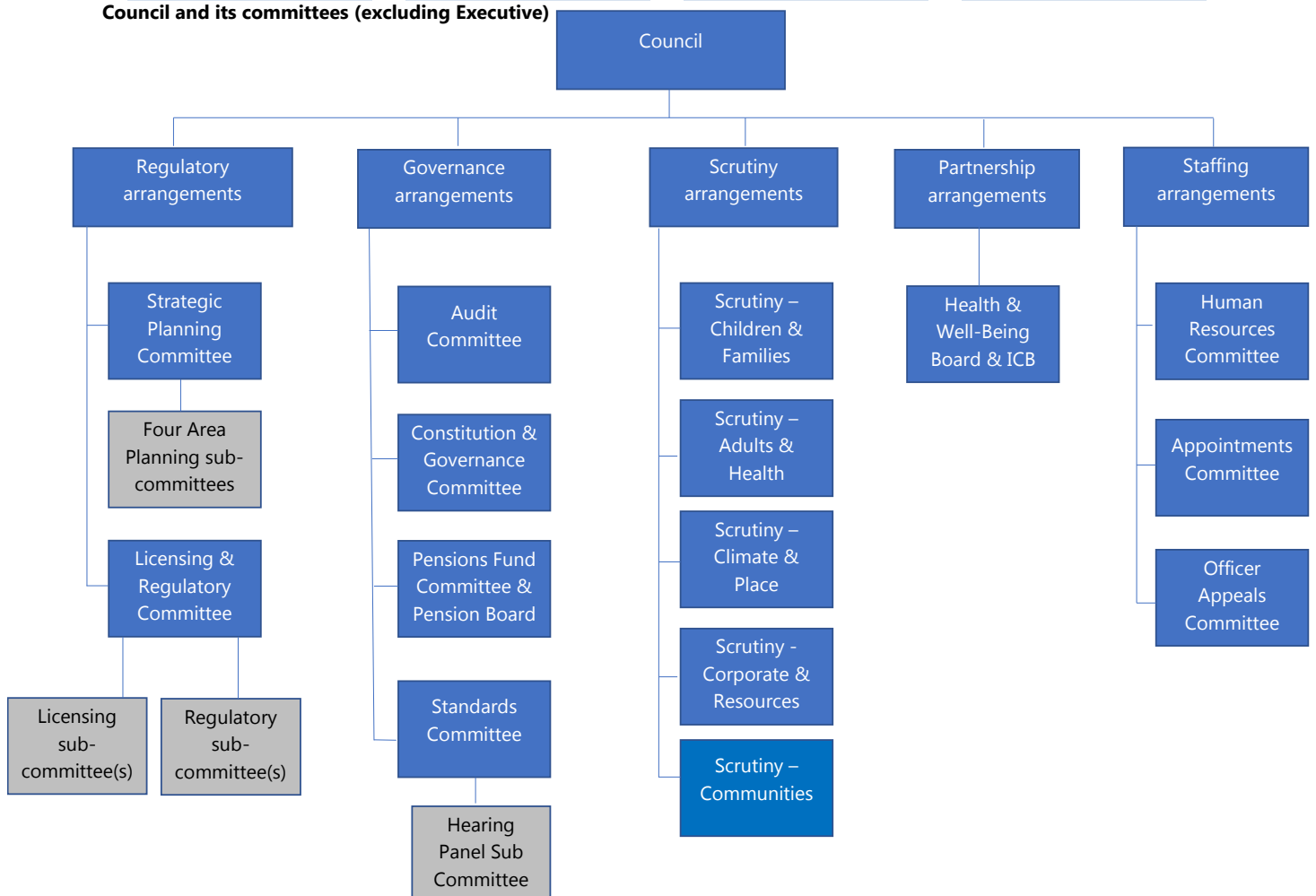
# 1. Committee Structure

1.1. The Council has decided that certain non-executive functions which are not reserved to the Council as a whole will be the responsibility of the Committees listed below and officers as further detailed in this Constitution by way of the Scheme of Delegation at Part I. Responsibility for some non-executive functions is also delegated to Directors and other senior Officers by way of the Scheme of Delegation in Part I Section 2. In addition to committees, some advisory and operational matters may also be carried out by panels, boards or forums.

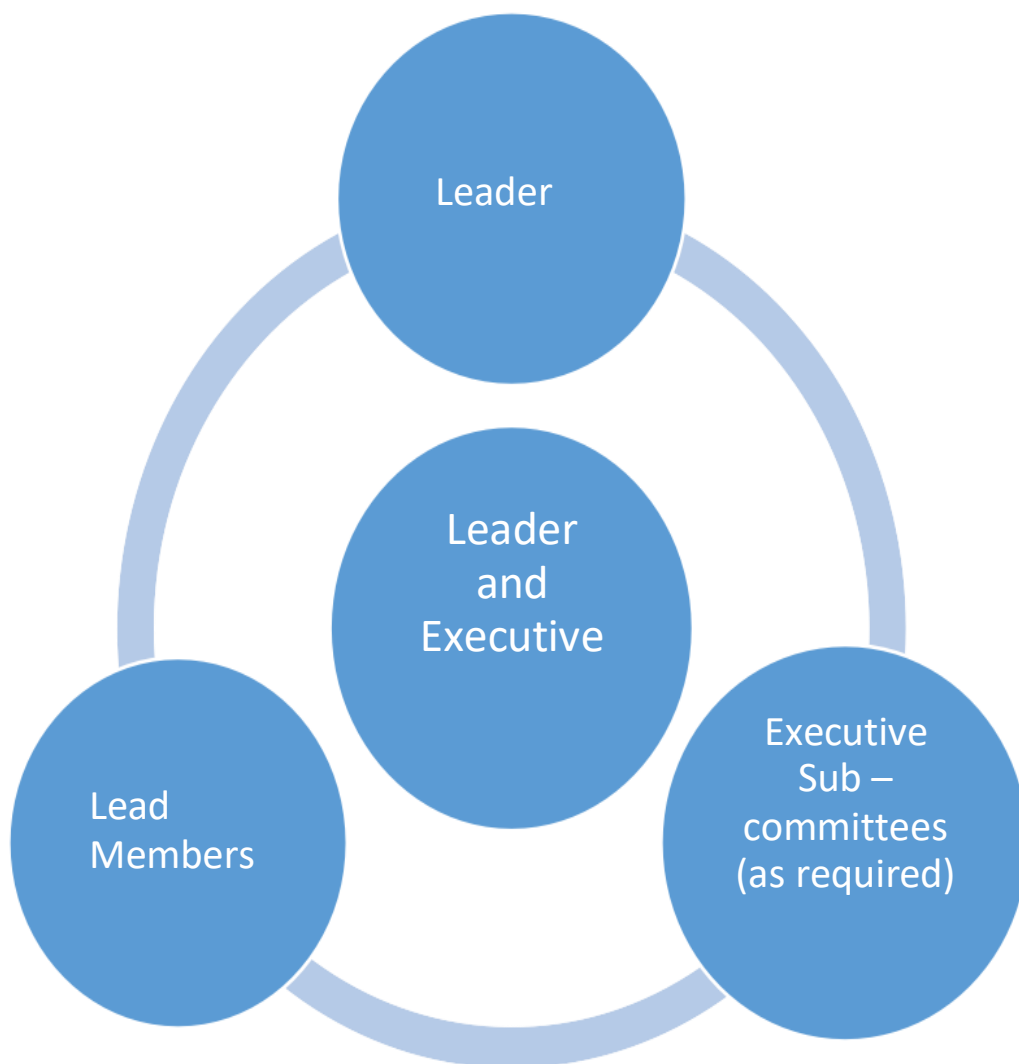
## Decision Making



Council and its committees (excluding Executive)



## Executive Arrangements



For text explanation of above diagrams please contact Democratic Services. Please see Part E for details of the Executive arrangements.

## 2. Committee Procedure Rules

### Scope

- 2.1. The Council will from time to time appoint such committees as it considers appropriate for the discharge of its functions, in accordance with this Constitution. A duly constituted committee acting in the exercise of its delegated powers and in accordance with its terms of reference shall be entitled to take all necessary action to fulfil its duties.
- 2.2. These Committee Procedure Rules apply to meetings of all Committees and Sub- Committees, with the exception of Licensing Committees and its Sub-Committees and also the Planning Committee and its Sub-Committees.
- 2.3. In the case of the Licensing Committee and its Sub-Committees these Rules are subject to and applied as stated in the Licensing Act 2003 (Hearings) Regulations 2005 and any other relevant legislation and as set out at the end of these Committee Procedure Rules.
- 2.4. Joint Committees and their Sub-Committees will follow these Procedure Rules unless other Rules have been agreed within their terms of reference.

### Summons and Agenda

- 2.5. At least **5 clear working days** before a meeting, the Monitoring Officer will send a summons to every Member of the Committee. The summons 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.
- 2.6. Any additions or amendments to an agenda that has been sent to Councillors and/or any supplemental agenda must be approved by the Democratic Services Manager and the Chair of the Committee. Approval will only be given where there is a good reason for the addition or amendment and where the need for it could not reasonably have been foreseen at the time when the agenda was compiled.
- 2.7. The Monitoring Officer will give notice to the public of the time and place of any meeting as determined by them in accordance with the Access to Information Rules together with additions or amendments to the agenda that have been sent to Councillors.

### Chair

- 2.8. The Council shall appoint the Chairs and Vice-Chairs of Committees at its annual meeting, all of whom shall hold office until the next annual meeting or until their successors are elected or appointed.

- 2.9. If both Chair and Vice-Chair are absent from a meeting a Chair for the meeting will be elected. The person presiding at the meeting may exercise any power or duty of the Chair. (see Voting below for nomination rules)
- 2.10. No person shall hold the office of Chair or Vice-Chair unless they are a member of the committee in question and are also a councillor of the Council unless otherwise allowed under the terms of reference of that committee.
- 2.11. A councillor can be voted to be a Chair of a committee in their absence, provided they remain a member of that committee.

## **Meetings**

- 2.12. The quorum for a committee or sub-committee is one quarter of the total number of members of the committee or sub-committee unless otherwise detailed in the relevant terms of reference but shall not be less than three voting councillors.
- 2.13. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next meeting.
- 2.14. All councillors present during the whole or part of a meeting must make their attendance known to the proper officer.

## **Minutes**

- 2.15. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.
- 2.16. Minutes will contain all motions and amendments in the form and order the Chair put them.

## **Questions**

- 2.17. A member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the Somerset Council administrative area and which falls within the terms of reference of that committee or sub-committee. A Chair may allow a councillor who is not a member of the relevant committee or sub-committee to speak on an item of business.

## **Content of Questions**

2.18. Questions must, in the opinion of the Chair:

- a. not be unreasonable;
- b. contain no expressions of opinion;
- c. relate to matters on which the Council has or may determine a policy;
- d. not require the disclosure of confidential or exempt information;
- e. not relate to a matter which is of purely personal concern to an individual/family member.

## **Time Allowed for Councillor Questions at Committee and Sub-Committee Meetings**

2.19. The number of questions and the total time allowed to ask and for consideration of such questions shall be determined by the Chair.

## **Order of Questions**

2.20. Questions will be asked in the order determined by the Chair of the Committee or Sub-Committee.

## **Written Responses**

2.21. Any question which cannot be dealt with during question time or to which a response cannot conveniently be given verbally to a question, will be dealt with by a written response provided within 5 clear working days of the meeting.

## Motions

### **Motions on Notice**

2.22. Any member of a committee or sub-committee may propose a motion by giving notice of it **not less than 7 clear working days before a meeting** to the Monitoring Officer. Motions must be framed in appropriate language and must, in the opinion of the Chair of the Committee or Sub-Committee in consultation with the Monitoring Officer be about matters for which the Committee or Sub-Committee has a direct responsibility or duty and motions which they deem to be illegal, improper, vexatious or out of order shall be rejected.

### **Motions Without Notice**

2.23. The following motions may be moved without notice:

- a. to appoint a Chair of the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to approve the minutes as a correct record;
- d. to change the order of business in the agenda;
- e. to refer a sub-committee's report or any item in it, or any other item, back to a sub-committee;
- f. to appoint sub-committee members if this arises from an item in the agenda of the meeting;
- g. to adopt a report or recommendation of the Executive, another committee, a sub-committee or an officer;
- h. to take an action recommended in an Officer's report, or other report submitted to the Committee or Sub-Committee;
- i. to withdraw a motion or amendment;
- j. to proceed to the next business;
- k. that the question be now put;
- l. to adjourn a debate;
- m. to adjourn the meeting;
- n. to suspend a particular Committee Procedure Rule;
- o. to exclude the public and press in accordance with the Access to Information Rules;
- p. to not hear further a councillor or to exclude them from the meeting for disorderly conduct.

## **Motions Set Out in the Agenda**

2.24. Motions for which notice has been given will be listed on the agenda in the order in which they were received.

## **Order and Time Allowed for Motions**

2.25. Notwithstanding the order of Motions within the Agenda the Chair will decide the order that Motions will be considered and the time allowed for consideration of motions. At the conclusion of the speech being delivered or at the expiry of such time as decided by the Chair from the commencement of the consideration of the first such motion at the meeting, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- a. if the speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);
- b. if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
- c. otherwise, the Chair shall allow the mover of the motion to exercise their right of reply.

2.26. Any remaining motions shall be deferred to the next ordinary meeting of the Committee or Sub-Committee and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

## **Rules of Debate**

2.27. The following rules apply to a particular meeting to the extent that the Chair considers appropriate.

## **No Speeches Until Motion Seconded**

2.28. No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded.

## **Right to Require Motion in Writing**



- 2.29. Unless notice of the motion has already been given or the motion is one which can be given without notice, the Chair may require it to be written down in sufficient time to circulate to all members before it is discussed. The Chair will decide whether there is sufficient time to propose a motion without notice.

## **Seconders' Speech**

- 2.30. When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

## **Content and Length of Speeches**

- 2.31. Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- 2.32. A speech by the mover of a motion may not exceed **5 minutes without the consent of the Chair.**
- 2.33. Speeches by other Councillors, including those councillors seconding or speaking during their right to reply, may not exceed **3 minutes without the consent of the Chair.**

## **When a Councillor May Speak Again**

- 2.34. A councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:
- a. to speak once on an amendment moved by another councillor;
  - b. to move a further amendment if the motion has been amended since they last spoke;
  - c. if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
  - d. in exercise of a right of reply;
  - e. on a point of order; and
  - f. by way of personal explanation.

## **Amendments to Motions**

- 2.35. An amendment to a motion must be relevant to the motion and will either be:
- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - b. to leave out words;

- c. to leave out words and insert or add others; or
- d. to insert or add words.

As long as the effect of b. to d. is not to negate the motion or to introduce a new motion.

- 2.36. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 2.37. If an amendment is not carried, other amendments to the original motion may be moved.
- 2.38. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 2.39. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **Alteration of Motion**

- 2.40. A councillor may alter a motion of which they have given notice with the consent of the Committee. The Committee's consent will be signified without discussion.
- 2.41. A councillor may alter a motion which they have moved without notice with the consent of both the Committee and the seconder. The Committee's consent will be signified without discussion.
- 2.42. Only alterations which could be made as an amendment may be made.

### **Withdrawal of Motion**

- 2.43. A councillor may withdraw a motion which they have moved with the consent of both the Committee and the seconder. The Committee's consent will be signified without discussion.
- 2.44. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **Right of Reply**

- 2.45. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 2.46. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may

not otherwise speak on it.

2.47. The mover of the amendment has no right of reply to the debate on their amendment. If their amendment is carried, they can have the penultimate speech on the amended motion.

### **Motions Which May Be Moved During the Debate**

2.48. When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. to exclude the public and press in accordance with the Access to Information Rules; and
- h. to not hear further a councillor or to exclude them from the meeting for disorderly conduct.

### **Closure Motions**

2.49. A councillor may move, without comment, the following motions at the end of a speech of another councillor:

- a. to proceed to the next business;
- b. that the question be now put;
- c. to adjourn a debate; or
- d. to adjourn a meeting.

2.50. If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

2.51. If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

2.52. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently

discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **Point of Order**

2.53. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules or the law. The councillor must indicate the rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

## **Personal Explanation**

2.54. A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

## **Voting**

2.55. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put unless the law provides otherwise.

2.56. If a councillor arrives before the casting of votes has been commenced they are entitled to vote, unless the Committee or Sub-Committee is sitting in a quasi-judicial capacity (eg Licensing and Regulatory Committee) when a Councillor may not vote unless they have been present to hear all the evidence presented on an agenda item.

2.57. If there are equal numbers of votes for and against, the Chair will have a second/ casting vote. There will be no restriction on how the Chair chooses to exercise a second/casting vote.

2.58. The Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

2.59. Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

2.60. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one

person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

2.61. Where a vote is taken for the election of the Chair of the Committee or Sub-Committee and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair.

2.62. The Chair of a Committee or Sub-Committee shall be deemed to have retired from that position immediately before the start of a meeting at which a Chair is to be elected.

2.63. Subject to Rule 2.63 members of the Committee or Sub-Committee shall appoint one of their number to preside over the election of Chair.

2.64. Officers shall not call for nominations for the election of the Chair.

### **Rights of Access/Inspection of Documents**

2.65. Rights of access to and inspection of documents will be as set out in the Access to Information Procedure Rules.

### **Councillors' Conduct**

#### **Speaking at Meetings**

2.66. When a councillor speaks they must address the meeting through the Chair. If more than one councillor signifies their intention to speak, the Chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

#### **Chair Speaking**

2.67. When the Chair speaks during a debate, any councillor speaking at the time must stop.

#### **Councillor Not to be Heard Further**

2.68. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

## **Councillor to Leave the Meeting**

- 2.69. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **General Disturbance**

- 2.70. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

## **Exclusion of the Public**

- 2.71. Members of the public and press may only be excluded either in accordance with the Access to Information Rules or in accordance with the following Rules.
- 2.72. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- 2.73. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **Appointment of Substitute Members on Committees and Sub-Committees**

- 2.74. The substitution rules will not apply to meetings of the Executive, Executive Sub-Committees, the Pension Fund Committee, Pensions Board, Health and Well-Being Board or the Officer Appeals Committee.
- 2.75. Subject to any other restrictions elsewhere in the Constitution, any councillor will be permitted to act as a substitute on a Council Body provided that they have been so appointed by Council to so act. The Proper Officer may consider a request from a councillor of a Council Body or the Leader of the political group of which the councillor is a member to appoint a substitute councillor. The proposed substitute councillor must be from the same political group as the councillor for whom they are substituting, subject to the agreement of the Monitoring Officer in consultation with the Chair of the relevant committee.
- 2.76. In order to be eligible to sit as substitutes on regulatory or administrative committees or panels or staff appointments or

disciplinary bodies established by the Council, councillors must have received formal training in relevant procedures and the law.

- 2.77. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 2.78. Substitute members may attend meetings in that capacity only:
- a. to take the place of the councillor for whom they are designated substitute; and
  - b. where the ordinary councillor will be absent for the whole of the meeting; and
  - c. where the ordinary councillor or their group leader has notified the Monitoring Officer or the Democratic Services Manager of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances and with the consent of the Monitoring Officer, no later than one hour before the start of the relevant meeting.

### **Suspension of Committee Procedure Rules**

- 2.79. All of these Rules of Procedure except Rules 2.15 (signing minutes) and 2.61 (individual councillor vote to be recorded) may be suspended by the Chair or by motion on notice or without notice if at least one half of the whole number of members of the Committee or Sub-Committee, are present. Suspension can either be for an item or for the duration of the meeting.