

## **Section 6**

# **Regulatory Committee Procedure Rules**

## Contents

<b>6.1</b>	<b>Planning Committee Procedure Rules</b>	<b>71</b>
	Order of Business	71
	Rules of Debate	71
	Taking the Vote	73
	Reasons for a Decision	73
	Additional Points (including Members Interests)	73
	Site Visits	73
	Right of Reply	74
	Procedure Rules for Major Applications	74
<b>6.2</b>	<b>Public Appeals Committee Procedure</b>	<b>75</b>
	Introduction of the Case	75
	The Case for the Local Authority	75
	The Case for the Applicant	75
	Members of the Public can have the Opportunity to Speak	76
	Summing Up	76
	Members Deliberations and Decision	76
	Decision of the Council	76
	Additional Points	76
	Site Visits	78
<b>6.3</b>	<b>Licensing Sub Committee Procedure</b>	<b>79</b>
<b>6.4</b>	<b>Audit and Accounts Committee Procedure</b>	<b>80</b>
<b>6.5</b>	<b>Employee Appeals Committee Procedure</b>	<b>80</b>
	Introduction of the Case	80
	The Case for the Local Authority	80
	The Case for the Employee	81
	Summing Up	81
	Members Deliberations and Decision	81
	Decision of the Council	81
	Additional Points	81

## 6.1 Planning Committee Procedure Rules

### Order of Business

The Order of business at ordinary meetings of the Planning Committee shall be:-

- (a) Apologies
- (b) Minutes of the previous ordinary meeting and any other meetings since the last ordinary meeting
- (c) Declarations of interest and Lobbying on matters on the Agenda
- (d) Reports from the Officers of the Council

The reports from the Officers will normally be taken in the order in which they appear on the agenda but the Chairman may at their discretion alter the order in which the reports are taken.

### Rules of Debate

- (a) The planning officer will provide a brief description of the matter and the relevant considerations and update the Committee on any matters arising on the item since the agenda was published
- (b) The Chairman will invite those members of the public entitled to speak under the Council's Protocol on Making Representations to Planning Committee to address the Committee in the order:-

Objector

Supporter

For a maximum of 3 minutes each.

- (c) The Chairman will invite those Members representing a ward in which the matter is located or a neighbouring ward that is affected by the matter to speak, provided that no individual Member should speak, for more than 5 minutes, or longer at the discretion of the Chairman. At the invitation of the Chairman, the Ward Member may contribute during the debate to correct any inaccuracies and misunderstandings. When a Member representing the Ward is unable to attend they may nominate another Member to speak on their behalf. Any Ward Member may provide photographs and/or written material for presentation at the Committee at least 2 clear working days prior to the meeting.
- (d) A member moving a proposition must state the reasons for the proposition at the time of moving it. No debate on a proposition shall take place until it has been seconded.

- (e) A member moving an amendment to a proposition must state the reasons for the amendment at the time of moving it. No debate on an amendment shall take place until it has been seconded.
- (f) Speeches including those made by Councillors who are not members of the Committee speaking on Appendix Items, shall be a maximum of 5 Minutes long
- (g) No member may speak for a second time on an item other than in right of reply except with the permission of the Chairman for a maximum of 2 minutes on a point arising out of another member's speech since they last spoke
- (h) The mover of a motion or amendment may reply to the debate for a maximum of 2 minutes at the end of the debate immediately before the vote.
- (i) If a proposition to determine or defer a matter is lost a further proposition to determine or defer the matter with reasons must be put to the Committee to conclude the item. If no other member puts a further proposition the Chairman shall put such proposition, as they consider appropriate and this proposition need not be seconded.
- (j) If a motion or an amendment that the Committee undertake a site visit in respect of an application is moved and seconded, the debate will continue on that motion or amendment. If the motion is carried, at the meeting following the site visit these rules of debate will apply with the following provisos:-
- The planning officer will confine their presentation to matters arising from the site visit and updating the Committee on any matters which have arisen since the previous meeting.
  - The members of the public and the ward members will confine their remarks to matters arising from the site visit and any new matters raised by the planning officer.
- (k) At any point during the debate a member may, through the Chairman ask the officers for information, clarification or advice. If at any point during the debate an officer indicates that they wish to give advice to the Committee the Chairman shall call the officer to speak.
- (l) All speeches must be directed to the planning merits of the matter under debate.
- (m) A member who has been lobbied on an matter should declare the nature of the lobbying to the Committee before speaking or voting on the matter.

- (n) The Chairman may at their discretion extend the time limit for any speech where the exceptional complexity or potential impact of the matter under consideration merits it. In doing so the Chairman will have regard to the need to give a fair opportunity to the hearing of all speakers.

Paragraph (b) shall not apply to any matter other than the determination of an application for planning permission.

### **Taking the Vote**

When the Chairman concludes the debate, the vote is taken. Only Members of the Committee are allowed to vote, not visiting Members. If the votes are equal the Chairman has a casting vote.

### **Reasons for a Decision**

The reasons for a decision as stated in the proposition will be recorded in the minutes. If they are unclear the officers will ask for clarification before the vote is taken.

### **Additional Points (including Members Interests)**

Members of the public and media are allowed to attend the committee. However, members of the public and media are not entitled to speak on any of the items on the agenda except in accordance with the Council's scheme. Members of the public and media are not allowed to remain where a confidential item (in accordance with the Local Government Act 1972) is to be determined.

Where a prejudicial interest in an application is declared by a Member of the Committee or a Visiting Member they will leave the room for the duration of consideration of that item.

The Planning Committee Site Visits follows the same procedure except it does not deal with the minutes from the previous meeting.

### **Site Visits**

No committee member should attend and take part in the debate on a matter considered at a site visit meeting unless they have also been present throughout the debate on that matter at the meeting which called for the site visit.

The site visit is under the control of the Chairman of the Planning Committee. Accompanying Officers, Members of the Committee and any visiting Members may only speak at the discretion of the Chairman. Applicants, agents or third parties are not allowed to address the Committee on site visits and Members should not enter into discussions with them. If approached at the meeting Members should refer the person to one of the Officers present.

At the Chairman's discretion, Members may ask the Officers questions or seek clarification from them on matters which are relevant to the site inspection.

A ward member may attend the site visit but must follow the rules applying to committee members. Ward members may, with the permission of the Chairman, point out relevant matters on site or request the committee to view the site from particular points but should not otherwise address the committee or enter into discussions with committee members, applicants, agents, objectors or others during the visit.

The purpose of the visit is to examine the site in relation to the proposal and not to enter into a debate concerning the merits of the proposal. The opportunity for debate is at the meeting afterwards. Members should ensure that they do not express opinions or views to any one during the site visit.

The Committee undertakes the site visit as a formal group and will enter and leave the site as such and should remain together throughout. Members should not enter into discussions with applicants, agents or third parties.

Members declaring an interest in any matter should not attend the site visit in relation to that matter. If there is more than one site visit a member with an interest in one may attend the visits but must remain on the coach at the site in which an interest has been or will be declared.

A meeting of the Committee will follow the site visit. This will take place at the Council offices and will follow the normal Committee rules.

### **Right of Reply**

At the conclusion of a debate and before a vote is taken a ward member who has previously addressed the committee may speak for a maximum of two minutes in response to the debate. The mover of the proposal under debate shall have the right to speak for a maximum of two minutes after the ward member.

### **Procedure Rules for Major Applications**

- 1 This procedure will apply only to all large scale major applications (LSMs) and such other major applications as the Head of Economic Development and Planning, in consultation with the Chairman, consider appropriate other than applications to renew or amend previously permitted applications.
- 2 LSMs will be excluded from the scheme of delegation and must be determined by the Planning Committee.
- 3 A special meeting of the Committee will be arranged for the purpose of determining each application referred to in paragraph 1 above, and no other business will be on the agenda for the meeting.
- 4 The Committee will undertake a site visit before the meeting.

- 5 At the meeting the time limit for the applicant and objectors to address the Committee will be extended to 10 minutes. This time may be split between more than one speaker providing the total time of 10 minutes is not exceeded. The applicant and objector will be allowed to make a presentation to the Committee as part of the address. The presentation must not introduce new material that has not been submitted as part of the planning application or public consultation exercise and the materials to be used must be submitted to the Development Manager at least 2 working days before the Committee meeting.
- 6 Following an address by the applicant or objector the Committee may ask questions of clarification only through the Chairman.
- 7 The Chairman will invite those Members representing a ward in which the matter is located or a neighbouring ward that is affected by the matter to speak. Those members shall between them speak for no longer than 10 minutes or longer at the discretion of the Chairman. In the absence of agreement between those members each shall be allowed a proportionate part of the 10 minutes. At the invitation of the Chairman, the Ward Member may contribute during the debate to correct any inaccuracies and misunderstandings. When a Member representing the Ward is unable to attend they may nominate another Member to speak on their behalf. Any Ward Member may provide photographs and/or written material for presentation at the Committee at least 2 clear working days prior to the meeting.

## **6.2 Public Appeals Committee Procedure**

### **Introduction of the Case**

- 1 The Head of Law and Governance, or their representative, advising the Committee will commence by outlining the procedure to be followed.

### **The Case for the Local Authority**

- 2 The Local Authority's representative will state the Authority's case and may call witnesses.
- 3 The applicant or advocate may ask questions of the Authority's representative or any witness.
- 4 The Members of the Committee may then ask questions of the Authority's representative or any witness.

### **The Case for the Applicant**

- 5 The applicant or advocate will state the applicant's case, and may call witnesses.
- 6 The representative of the Local Authority may ask questions of the applicant or advocate, or any witness.

- 7 The Members of the Committee may then ask questions of the applicant or advocate, or any witness.

### **Members of the Public can have the Opportunity to Speak**

- 8 At this point in the proceedings members of the public in attendance should be invited to speak. Where a member of the public wishes to speak, full details of their name and address should be noted and it must be explained to the person in question that questions may be asked of them by both the advocate for the applicant and the advocate for the local authority. Only one objector and one supporter may be entitled to speak at the meeting for a maximum of 3 minutes each. Where a group of residents wish to speak then they should be asked to nominate a spokesperson (the above procedure will apply).

### **Summing Up**

- 9 The Authority's representative will then be invited to sum up; no new material may be introduced at this stage.
- 10 The applicant or advocate will then be invited to sum up; no new material may be introduced at this stage.

### **Members Deliberations and Decision**

- 11 The parties will then withdraw whilst the Committee considers the case.
- 12 The Committee with the Head of Law and Governance or their representative to the Committee will deliberate in private only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties will return notwithstanding that only one may be concerned with the point giving rise to the recall.

### **Decision of the Council**

- 13 The Committee will, if possible, announce the decision to the parties at the end of the hearing; the decision being confirmed in writing afterwards.

### **Additional Points**

- 14 If it is appropriate to do so the Committee can be adjourned for a short time, or members of the public and media may be excluded, if matters to be discussed are confidential in accordance with the Local Government Act 1972.

- 15 Where a matter before the Committee relates to a hackney carriage or private hirers licence then an additional procedure dealing with "spent" convictions may need to be followed. Where the officer feels that a person's spent convictions are relevant then the procedure to follow will have to form part of the proceedings:-

### ***The Procedure***

When the PNC record is received the "live" convictions will be addressed first. Following this, the "spent" convictions will be reviewed and those which are considered to be relevant will be marked. Relevant in this context means relevant to the question of whether or not the appellant is a fit and proper person to hold a hackney carriage or private hire drivers licence. In practice, this consideration of the relevant "spent" convictions will be carried out in consultation with a Principal Officer and in certain cases with a Council Solicitor. However, only the Licensing Officer will know the identity of the appellant, the other Officers will consider only the relevance of the convictions.

When the application is considered by the Committee, any "live" convictions will be detailed in the usual way. If there are "spent" convictions that the Officers consider are relevant, the following paragraph will be included on the Committee report:

"The record shows that the appellant has "spent" convictions ...(dates of convictions just the year). Under the Rehabilitation of Offenders Act 1974, in accordance with Section 7(3) of the Act, these matters should not be admitted unless the Committee feels that justice cannot be done except by admitting them or requiring evidence of them."

When the report is considered by the Committee, the Solicitor providing advice to the Committee will advise the Committee that it is considering whether or not the appellant is a fit and proper person to hold a Hackney Carriage or Private Hire Vehicle driver's licence and it must consider whether it wishes to hear further details of the "spent" convictions mentioned in the report. The appellant will be given the opportunity to address the Committee on this question. At this stage the Committee will only know that there are "spent" convictions and the years of each conviction.

If the Committee decide, after hearing the appellant's representations, that for justice to be done they need to hear further details of these "spent" convictions, the Head of Regulatory Services will provide further details. These further details will provide general information to the Committee relating to the class, age and gravity of each "spent" offence. After the Committee has heard this general information, the appellant will be able to address the Committee regarding this information. If, after hearing the appellant's submissions, the Committee is satisfied that justice would be done by hearing exact details of the "spent" convictions, then the Head of Regulatory Services will provide the Committee with the exact details of the "spent"

convictions for its consideration. In considering whether to hear the details of any "spent" convictions, the Committee must weigh the interests of the public against those of the appellant in order to reach a fair conclusion.

Once the Committee has heard the details of the "spent" offences together with any "live" convictions, the matter will be progressed as before with the Head of Regulatory Services putting forward their case and the appellant responding. The case will be heard without the media present. The appellant's name will not appear on the Committee report and only "live" convictions and the paragraph set out above alluding to "spent" convictions (if relevant) will be included on the report and made public. The decision of the Committee to refuse or grant the licence will be reported in the Digest.

### **Site Visits**

No committee member should attend and take part in the debate on a matter considered at a site visit meeting unless they have also been present throughout the debate on that matter at the meeting which called for the site visit.

The site visit is under the control of the Chairman of the Public Appeals Committee. Accompanying Officers, Members of the Committee and any visiting Members may only speak at the discretion of the Chairman. Applicants, agents or third parties are not allowed to address the Committee on site visits and Members should not enter into discussions with them. If approached at the meeting Members should refer the person to one of the Officers present.

At the Chairman's discretion, Members may ask the Officers questions or seek clarification from them on matters which are relevant to the site inspection.

A ward member may attend the site visit but must follow the rules applying to committee members. Ward members may, with the permission of the Chairman, point out relevant matters on site or request the committee to view the site from particular points but should not otherwise address the committee or enter into discussions with committee members, applicants, agents, objectors or others during the visit.

The purpose of the visit is to examine the site in relation to the proposal and not to enter into a debate concerning the merits of the proposal. The opportunity for debate is at the meeting afterwards. Members should ensure that they do not express opinions or views to any one during the site visit.

The Committee undertakes the site visit as a formal group and will enter and leave the site as such and should remain together throughout. Members should not enter into discussions with applicants, agents or third parties.

Members declaring an interest in any matter should not attend the site visit in relation to that matter. If there is more than one site visit a member with an interest in one may attend the visits but must remain on the coach at the site in which an interest has been or will be declared.

A meeting of the Committee will follow the site visit. This will take place at the Council offices and will follow the normal Committee rules.

### **6.3 Licensing Sub Committee Procedure**

The procedure adopted by this Council for the Licensing Sub Committee is as follows:-

- 1 The Chairman will introduce the Members of the Sub Committee and invite those present at each hearing to introduce themselves.
- 2 The Licensing Officer outlines the details of the application, and relevant representations received, to the Sub Committee.
- 3 Any person who has submitted a relevant representation will be given the opportunity to present details of their representation. The running order for such presentations will be decided by the Chairman prior to the first presentation commencing.
- 4 Following each submission, the Applicant or their representative may question the person concerned.
- 5 Members of the Sub Committee may then ask questions of the person concerned.
- 6 Once all relevant representations have been heard, the Applicant or their representative presents their application for the licence and calls any witnesses in support.
- 7 Any person who has submitted relevant representations may then question the Applicant (if they have given evidence) and any witnesses.
- 8 Members of the Sub Committee may then ask questions of the Applicant and any witnesses.
- 9 All parties who have presented relevant representations can summarise their case and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- 10 The Applicant can summarise their case and comment briefly on the any parties replies to their questions, they cannot introduce new issues.
- 11 All parties will then withdraw whilst the Sub Committee considers the case.

- 12 The Sub Committee will deliberate in private only recalling any party to clear points of uncertainty on evidence already given. If recall is necessary all parties will return notwithstanding only one is concerned with the point giving rise to doubt.
- 13 The Chairman will announce the Sub Committee's decision and will give reasons for the decision to the parties at the end of the hearing; the decision being confirmed in writing afterwards.

## **6.4 Audit and Accounts Committee Procedure**

The procure adopted by this Council for the Audit and Accounts Committee is as follows:-

- 1 The Head of Law and Governance will compile the Agenda for meetings of the Audit and Accounts Committee, which will contain the following items of business:
  - (a) consideration of the minutes of the last meeting;
  - (b) apologies;
  - (c) declarations of interest;
  - (d) consideration of items submitted by the Audit Commission as defined in the Committee's Terms of Reference under Article 8.5;
  - (e) consideration of items submitted by officers of the Council as defined in the Committee's Terms of Reference under Article 8.5.
- 2 Prior to the commencement of the Audit and Accounts Committee, Members of the Committee may convene a private meeting with the Council's external auditors.
- 3 The Rules of Debate for the Audit and Accounts Committee will follow the same Rules of Debate at Scrutiny Committee Meetings as defined in Rule 8 of the Scrutiny Procedure Rule.

## **6.5 Employee Appeals Committee Procedure**

### **Introduction of the Case**

- 1 The Head of Law and Governance, or their representative, advising the Committee will commence by outlining the procedure to be followed.

### **The Case for the Local Authority**

- 2 The Local Authority's representative will state the Authority's case and may call witnesses.

- 3 The employee or their advocate may ask questions of the Authority's representative or any witness.
- 4 The Members of the Committee may then ask questions of the Authority's representative or any witness.

### **The Case for the Employee**

- 5 The employee or their advocate will state the employee's case, and may call witnesses.
- 6 The representative of the Local Authority may ask questions of the employee or advocate, or any witness.
- 7 The Members of the Committee may then ask questions of the employee or advocate, or any witness.

### **Summing Up**

- 8 The Authority's representative will then be invited to sum up; no new material may be introduced at this stage.
- 9 The employee or their advocate will then be invited to sum up; no new material may be introduced at this stage.

### **Members Deliberations and Decision**

- 10 The parties will then withdraw whilst the Committee considers the case.
- 11 The Committee with the Head of Law and Governance or their representative will deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties will return notwithstanding that only one may be concerned with the point giving rise to the recall.

### **Decision of the Council**

- 12 The Committee will, if possible, announce the decision to the parties at the end of the hearing; the decision being confirmed in writing afterwards.

### **Additional Points**

- 13 If it is appropriate to do so the Committee can be adjourned for a short time, or members of the public and media may be excluded, if matters to be discussed are confidential in accordance with the Local Government Act 1972.