

PART 3 – RULES GOVERNING HOW THE COUNCIL OPERATES

3. Committee Procedure Rules

Constituting and Appointing to Committees

1. At each Annual Council, the Council will constitute any committees that it considers appropriate to deal with matters which are not reserved to the Council, allocated to the Cabinet or delegated to officers.
2. The Council will set out the terms of reference for each committee and appoint members to its committees in accordance with any rules that apply to political proportionality or composition of the committee in question.
3. The Council will also appoint a Chair and Deputy Chair to each of its committees from the members of the committee in question. If a Chair or Deputy Chair has not been appointed by Council by the time the committee first meets, then the committee will appoint a Chair and Deputy Chair from its membership.

Opposition Spokespersons

4. Political groups may appoint one of their members from each committee to act as the group's spokesperson for that committee.

Meeting Dates

5. Council will approve and publish a calendar of meetings each year.
6. There will be a presumption against alterations to the calendar but the relevant Chair may, in consultation with the spokespersons and Director of Governance, alter the time, date or location of any meeting, or convene a special meeting if necessary.

Reviewing Arrangements

7. These arrangements (and the term of office of committee members) are reviewed at each Annual Council, but the Council may review or alter any of its committee arrangements at any Council meeting.

Conduct of Meetings

Chair and Deputy Chair

8. The Chair of a committee will preside over committee meetings.
9. If the Chair is absent then the Deputy Chair will preside.

10. If the Chair and the Deputy Chair are absent, then the committee will appoint one of its members to preside.
11. Persons presiding over meetings in the place of the Chair have the same powers and duties as the Chair.

Respect for the Chair

12. Whenever the Chair rises during a debate the meeting will be silent.

Quorum

13. Where the total membership of a committee is 12 Members or fewer, the quorum will be three members.
14. Where the total membership of a committee is more than 12 Members, the quorum will be one quarter of the total membership.
15. No business will be transacted at a meeting that is inquorate.
16. If a meeting becomes inquorate after it has commenced then it will be adjourned. Remaining business will be considered at the next meeting.

Matters for Decision

17. All matters for decision by the committee will be included within the agenda.
18. There will be an early item on every agenda requiring members to declare any relevant interests in any item appearing on the agenda. Members are required to observe the requirements in the Member Code of Conduct and withdraw from the meeting at the appropriate point during the meeting where they have an interest which requires them to do so.
19. The Chair may agree that an item of business which is urgent will be dealt with at a meeting even if it is not on the agenda for that meeting. The Chair will give the reason for the urgency.
20. Business will be dealt with in the order in which it is set out in the agenda unless the Chair decides otherwise.

Minutes Records and Disclosure of Information Minutes

21. At each ordinary meeting, the Chair will move that the minutes of the last meeting be confirmed as an accurate record.
22. Only matters relating to the accuracy of the minutes can be raised by way of a Motion proposed, seconded and voted upon. Where no issues are raised, or after any Motion has been dealt with, the Chair will sign the minutes
23. Signed minutes of each committee meeting will be submitted to the next meeting of that committee's parent body.

24. Any question about the accuracy of any minute of a body must be considered and determined by that body at its next meeting.

Motions

Motions Without Notice

25. Only Motions relating to business on the agenda of the committee may be proposed, however committee members may propose Motions relating to the inclusion of business (that is within the remit of the committee) on future meeting agendas.
26. A committee member may propose Motions without notice but they will not be discussed unless seconded.
27. The Chair may require Motions to be handed up in writing before they are further discussed or put to the meeting.

Motions During Debate

28. The following Motions may be moved whether or not another Motion is already under debate:
- (a) to give the consent of the committee where the consent of the committee is required by the Procedure Rules
 - (b) any Motion relating to any item currently under discussion
 - (c) to refer the matter to an appropriate body, individual or subsequent committee meeting
 - (d) to withdraw a Motion
 - (e) to amend a Motion
 - (f) to proceed to the next business
 - (g) to put the question
 - (h) to adjourn the debate
 - (i) to adjourn the meeting
 - (j) to extend the time allowed for speeches
 - (k) to suspend a particular Procedure Rule(s)
 - (l) to exclude the press and public
 - (m) that a member who misconducts themselves should not be heard further
 - (n) that a member should leave the meeting

Motions and Rescinding Decisions

29. Unless brought upon recommendation in a report before the committee, no Motion may be moved which would have the effect of rescinding any decision of the committee passed within the preceding six months, or which is to the same effect as a Motion which has been rejected within that period.

Amendments and Alterations to Motions

30. An amendment to a motion must:
- (a) be relevant to and intelligible with the motion;
 - (b) add and/or delete a word or words;
 - (c) not introduce a new topic;
 - (d) not negate the motion, contradict or overturn the motion;
 - (e) be worded so that, if it is agreed, it can be passed as a valid resolution;
 - (f) not be, in the opinion of the Director of Governance, defamatory, frivolous, offensive or otherwise out of order.
31. 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, although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.
32. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved.
33. After an amendment had been carried, the Chair will read out the amended Motion before accepting any further amendments or, if there is none, putting it to the vote.
34. If an amendment is lost, another amendment may be moved on the original Motion.
35. Not more than one amendment may be made to a Motion by any one councillor.
36. A member may alter a Motion of which they have given notice with the consent of meeting, or in the case of a Motion proposed and seconded, with the consent of the seconder and the meeting. In either case the meeting's consent shall be signified without discussion.
37. Any alteration proposed must of the type permitted to be moved as an amendment.

Withdrawal of Motions

38. A member may withdraw a Motion which they have proposed.

Closure of Motions

39. At the conclusion of a member's speech, another member may move (without comment) any of the Motions set out in paragraph 28(f) to (i).
40. Upon the seconding of a Motion to proceed to next business, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) invite the right of reply to be exercised in respect of the Motion under discussion and then put it to the vote before proceeding to the next business.
41. Upon the seconding of a Motion to put the question, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) put the Motion to put the question to the vote and, if it is passed, invite the right of reply to be exercised in respect of the Motion under discussion before putting it to the vote.
42. Upon the seconding of a Motion to adjourn the debate/meeting, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) put the adjournment Motion to the vote without inviting the right of reply to be exercised in respect of the Motion under discussion.

Members' Speeches

Content and Length of Speeches

43. Members will confine speeches to the question under discussion, a personal explanation or a point of order. No speech may exceed five minutes without the consent of the committee. The five minute time limit will exclude any time lost as a result of other members rising on a point of order or personal explanation.

Only One Member to Speak at a Time

44. Whilst a member is speaking, other members will remain silent, unless intervening on a point of order or in personal explanation.

Order of Speeches

45. The Mover of a Motion will speak first, followed by the Secunder. When seconding a Motion, a member may advise the Chair that they reserve their right to speak until later in the debate.
46. If two or more members indicate their intention to speak, the Chair will determine the order of speeches.

Right of Reply

47. The Mover of a Motion will have a right to reply at the close of the debate on the Motion, immediately before it is put to the vote.

48. If an amendment is moved, the Mover of the original Motion will have a right of reply at the close of the debate on the amendment.
49. The mover of the amendment will have a right of reply to the debate on the amendment immediately before the Mover of the original Motion exercises their right of reply at the close of the debate on the amendment.

Points of Order and Personal Explanations

50. A member may intervene on a point of order or in personal explanation and will be entitled to be heard immediately.
51. A point of order will relate only to an alleged breach of a Procedure Rule or statutory provision and the member will specify the Procedure Rule or statutory provision and the way in which they consider it to have been breached.
52. A personal explanation will be confined to some material part of a former speech by the intervening Member which appears to them to have been misunderstood in the current debate.
53. The ruling of the Chair on a point of order or on the admissibility of a personal explanation will be final and not open to discussion.

Voting

Method of Voting

54. All matters will be decided by a simple majority of those members present and voting at the time the question is put.
55. Members must be in their designated seats or present via a remote meeting for their vote to be counted.
56. Voting will be by a show of hands (or such other method as is agreed by the Chair), or if there is no dissent and no call for a vote, by the Chair being satisfied of the unanimous approval of the meeting.

Casting Vote

57. Where there are equal votes cast for a Motion, the Chair may exercise a second or casting vote.

Recording Votes

58. A member may require, after a vote is completed, that the minutes of the meeting record whether and how they voted.
59. If one third of the members present so request, the vote will be recorded to show whether and how each member voted.
60. A member may, immediately after the item of business is voted upon, request that a lost Motion be recorded in the minutes.

Rights of Other Council Members

Attendance at Meetings

61. Notwithstanding their rights as a member of the public, members who are not committee members ('visiting members') may attend any meeting of a committee (even if considering Exempt Information) if required for the purposes of performing their duties as members. Advice should be taken where meetings will be considering information of a personal, sensitive or confidential nature.
62. Visiting members:
 - (a) may not vote on committee business
 - (b) must notify the Chair at least 15 minutes prior to the start of the meeting if they wish to speak on a particular item. If advance notice is not given, visiting members will only be allowed to speak at the Chair's discretion
 - (c) will, at the discretion of the Chair, be invited to speak at the beginning of the debate on any item notified under paragraph (b) and be invited to sum up at the end of a debate
 - (d) will not, other than as provided for in paragraph (c) or by the Chair, be permitted to participate in any debate at the meeting

Placing Items on Agendas

63. Any member may give no fewer than 10 clear working days' notice to the Director of Governance requesting that an item of business be included on the agenda of a committee meeting.
64. Notice may be given to the Director of Governance by a visiting member at a committee meeting in respect of an item of business that the visiting member would like to be included on the agenda of the next meeting of that committee.
65. Any notice given under paragraphs 63 and 64 will clearly state the nature of the business in question.
66. A member may not give notice under this part requesting the inclusion of more than one item of business on the same meeting agenda.

Records of Attendance

67. Members attending the whole or part of a meeting in person must sign their name on the attendance sheet provided.

Urgent Business

68. Any item of urgent business which has to be decided before the next ordinary meeting of a committee, or before a special meeting can be convened, may be determined by the Chief Executive.

69. The Chief Executive may take any necessary action after consulting the relevant Chair and, where practical, the relevant spokespersons.
70. A report of any action taken will be made available by electronic means to all committee members.

Public Speaking at Planning Committees

Entitlement to Speak

71. Members of the public, elected representatives of town and parish councils and applicants for planning permission (or their agents) may speak at the Planning Committee in support of or in opposition to any application being determined (whether or not following deferral) by the committee.
72. Members of the public may only speak if they have submitted representations on the application in question in writing to the Head of Planning (planning@cheshirewestandchester.gov.uk) no fewer than 10 clear working days before the date of the committee meeting.

Registering to Speak

73. Those entitled to speak under paragraph 72 will not be permitted to speak unless they have given notice of their desire to do so to the Development Management Service:
 - (a) in the case of attendance in person before 12 noon on the day before the committee meeting or
 - (b) in the case of attending remotely, two days before the start of the meeting

Procedure at Committee

74. The Chair retains full discretion to manage public speaking as they see fit, but ordinarily the following rules will apply.
75. The Chair will invite one person only from each of the following categories of speaker to address the committee in the following order:
 - (a) Objector
 - (b) Supporter
 - (c) Town or Parish Council representative
 - (d) Applicant

Content and Length of Speeches

76. Each speaker will be permitted to speak for a maximum of three minutes.
77. Speakers must confine their speeches solely to the material planning considerations and merits of the application in question. More information on

what ranks as a material planning consideration and what does not is available on the Council's website or from the Development Management Service.

78. Speakers are not permitted to ask questions.

Circulating Additional Materials

79. Other than materials which have been registered on the planning application file during the statutory consultation period (or any extension of the same), speakers will not be permitted to circulate, display or refer to any plans, photographs or other materials at the committee meeting.

Planning Committee Members' Call-In Procedure

Notice of Planning Applications

80. All members will receive email notification of planning applications¹ affecting land in their ward ('Application Notification'). Members have a period of 15 clear working days in which to request that an application be called in to Planning Committee.

Requesting a Committee Call-in

81. If, upon receipt of an Application Notification, a member (the Requesting Member) has any queries or concerns about the planning merits of an application, or requires more time to consider their position in respect of the same, they shall at the earliest opportunity but in any event within 15 clear working days of the date of Application Notification, send a written request ('a Call-in Request Notice') to the Head of Planning (planning@cheshirewestandchester.gov.uk) requesting that the application be referred to Planning Committee and that the use of delegated powers is removed. The request must specify a reason why, having regard to the planning merits of the proposal, the application should be determined by the Planning Committee.
82. Upon receipt of a Call-In Request Notice, the Head of Planning will consider the planning merits of the request and, if they consider the request should be declined, shall refer the matter to the Planning Committee Chair along with a summary of the request.
83. Upon receipt of the referral from the Head of Planning, the Planning Committee Chair shall consider the request and, having due regard to the advice of the Head of Planning and any advice from the Director of Governance, determine the Call-in Request in light of:

¹ "Planning Applications" in the Planning Committee Members' Call-in Procedure embraces all applications for planning permission for development of land and buildings, except for applications for permission in principle or technical details consent, applications to vary or amend existing permissions or obligations, applications to determine reserved matters, and applications for prior approval.

- (a) the matters referred to in paragraph 88 and
 - (b) the extent to which the planning application and/or Call-in Request raise planning matters of wider public interest such that the matter should properly be debated and decided at Planning Committee
84. In the event that the Call-in Request is not declined, the matter shall be referred for determination to the Planning Committee. The committee report will record that the matter has been called-in, by whom and the planning reasons for the same. The Requesting Member shall also attend the Planning Committee meeting to explain why they have called the application in. If the Requesting Member is unable to attend the committee meeting, they shall arrange for another member to address the committee in their absence, or provide a written statement to be read to the committee as an alternative.
85. In the event that the Call-in Request is declined, the Chair's decision will be notified to the Requesting Member and case officer and the application may be determined under delegated powers. The Chair's determination on Call-in Requests shall be final.
86. In the event that a Requesting Member whose Call-in Request has been not been declined decides that they no longer require the matter to be determined by the Planning Committee, they may give written notice to the case officer before the date of the meeting at which the application is due to be determined.
87. In the event that:
- (a) no Call-In Request Notice is received within 15 clear working days of the date of the Application Notification; or
 - (b) a Call-in Request is declined; or
 - (c) a Requesting Member whose Call-in Request has been granted decides that they no longer require the matter to be determined by the Planning Committee

the case officer shall (subject to the application of any of the criteria in the Planning Committee terms of reference) proceed to determine the application under delegated powers.

Miscellaneous Matters

Disorderly Conduct and Disturbances

88. The Chair may direct (or a member may move), in respect of any member considered to be misconducting themselves, that the member will not be heard further.
89. The Chair may direct (or a member may move), either following a direction (or resolution) under paragraph 28, or directly in the case of gross misconduct, either:

- (a) that the member in question leaves the meeting or
 - (b) that the meeting is adjourned
90. The Chair, in the event of a general disturbance at any meeting which they consider to be disrupting the orderly transaction of business, may adjourn the meeting for as long as is considered necessary.
91. The Chair may warn any member of the public in respect of their conduct at a meeting. In the case of persistent or gross misconduct, the Chair may direct any person to be removed from the meeting.
92. In the event of a general disturbance in any part of the meeting room open to the public, the Chair may direct that part of the room to be cleared.

Officer Advice

93. The Chair may request an appropriate officer to offer advice or draw the attention of the committee to any relevant factors where a debate involves questions of a technical, legal, financial, operational or administrative nature.

Interpretation of Procedure Rules

94. The Chair (who may take advice from the Director of Governance) determines all matters relating to the interpretation or application of the Procedure Rules which arise during a meeting. The Chair's decision shall be final.
95. The Director of Governance determines all matters relating to the interpretation or application of the Procedure Rules which arise between meetings. The Director of Governance's decision shall be final.
96. Any requirement to make a notice or information available to anyone shall be fulfilled by publishing that information on the Council's website such that it is readily available to be viewed or printed off from the website and, on request, printed off at council offices to be given to personal callers in hard copy.
97. References in the Procedure Rules to an officer includes references to any duly authorised representative of that officer.
98. References in the Procedure Rules to members shall (unless the context otherwise requires) to be taken to mean references to members of the Council, Cabinet or committee in question.
99. References in the Procedure Rules to Motions includes (where the context so requires or admits) references to amendments to Motions.
100. References in the Procedure Rules to committees includes all committees, sub-committees, panels and boards constituted by the Council that exercise delegated powers, but excluding any committee, sub-committee, panel or board that operates solely in an advisory capacity.

101. Reference in the Procedure Rules to a day or days shall be taken to mean between the hours of 09:00 and 17:00 on any day that is not a Saturday, Sunday or public holiday.
102. References in these Procedure Rules to a period of days that is to elapse between the occurrence of two specified events shall be taken to mean clear days calculated by excluding the day upon which both of the specified events occur.

Notice Requirements

103. All Notices given by members under the Procedure Rules will be treated as having been given to the recipient by any of the following means:
 - (a) post properly addressed to the recipient at their usual business address
 - (b) leaving it properly addressed for the recipient at their usual business address
 - (c) email sent to an email address designated by the recipient for this purpose from an email account registered with the Council in the member's name
 - (d) submitting a form on the Council's website designated for this purpose
104. All notices given to members under the Procedure Rules shall be treated as having been given to the recipient by any of the following means:
 - (a) post properly addressed to the recipient at their usual address (being their usual place of residence or any other address that the member has notified to the Director of Governance for these purposes)
 - (b) leaving it properly addressed for the recipient at their usual address or if requested (by notice given to the Director of Governance), either in addition to or substitution for the methods set out in paragraphs 103(a) and (b)
 - (c) email sent to an email account registered with the Council in the member's name from an email account registered to the Council
105. All notices given under the Procedure Rules must be given in writing, contain all of the information that is reasonably required in order to properly communicate the purpose and effect of the notice, and be signed (which shall include electronic signatures) by the person or persons required to give the notice in question.
106. If more than one signatory is required to give valid notice, any single notice given must bear all the signatures of all necessary signatories and be given in accordance with paragraph 103(a) or (b). Alternatively, each of the required signatories may give individual notices in accordance with paragraph 103(c) or (d) above.
107. Notices shall be deemed to have been given:

- (a) in the case of 103(a) or 104(a), on the day upon which delivery would ordinarily occur in the normal course of the method of post chosen (provided proof of posting is available)
- (b) in the case of 103(b) or 104(b), on the day upon which the notice is left
- (c) in the case of 103(c) to (e), on the day upon which receipt is acknowledged otherwise than by any automated process
- (d) in the case of 104(c), on the day upon which notice is sent

Example Calculation of Time in Respect of Notice Periods

- 108. The following example is provided to demonstrate the effect of paragraphs 103 and 104. In the following example, it is assumed that none of the weekdays referred to is a public holiday.
- 109. If a notice is required to be given five days before a meeting, then giving the notice and the meeting are the two specified events for the purposes of paragraph 103.
- 110. Assuming the meeting is to be held on a Monday, then the latest a notice may be given is on the first of the two preceding Fridays, between 09:00 and 17:00 hours.
- 111. If so given, the Friday upon which the notice is given ranks as the day upon which the first event occurs for the purposes of paragraph 103. The five week days in the ensuing week then rank as the required five clear days between giving the notice and day upon which the meeting is being held.

Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon
Notice Given	Not counted	Not Counted	Clear Day 1	Clear Day 2	Clear Day 3	Clear Day 4	Clear Day 5	Not Counted	Not Counted	Meeting