

Regulatory Committee Procedure Rules

NB. Relevant Council Procedure Rules are applied to Committees by virtue of Rule 24 of those Rules.

1. What will be the number and arrangements for Regulatory Committees?

- (a) The Council will have the Regulatory Committees set out in Article 8 and Part 3 (Constitution 4.1) of this Constitution and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Regulatory Committee will be:
 - (i) to discharge the functions delegated to it as set out in Part 3;
 - (ii) to appoint such sub-committees as it considers appropriate to fulfil those functions; and
 - (iii) to consider, and respond as appropriate to, reports from the Council, Cabinet and Overview and Scrutiny Committees.

2. Who may sit on Regulatory Committees?

- (a) All councillors may be members of a Regulatory Committee. The Portfolio Holder for Planning will be a member of the Planning Committee, but will not be the Chairman of that committee. Other Portfolio Holders may be Members of the Planning Committee but will not normally be the Chairman.
- (b) In relation to the Licensing and Appeals Committee, or a sub-committee of that committee, no member of the Cabinet may attend a meeting of the committee, or a sub-committee, if the subject matter is an appeal against a decision of the Cabinet or a delegated decision of a Portfolio Holder or an officer under powers delegated by the Cabinet.

3. Meetings of Regulatory Committees

The Council shall determine, on an annual basis, the meetings to be held each year in order to efficiently expedite the business of the Regulatory Committees. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

4. Quorum

The quorum for Regulatory Committees shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. Who chairs Regulatory Committee meetings?

- (a) Chairmen and Vice-Chairman of Regulatory Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the

committee/sub-committee may appoint such persons, as it considers appropriate as Chairman and Vice-Chairman, subject to Rule 2(a) above.

- (b) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman of that Committee/sub-committee the Vice-Chairman shall take the Chair.
- (c) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair the meeting shall be chosen from those members present at the meeting.
- (d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of a Regulatory Committee/sub-committee it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative procedural arrangements.

6. **Agenda items**

- (a) Any member of the Council, shall be entitled to give notice to the Legal and Democratic Services Manager that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Legal and Democratic Services Manager will ensure that it is included on the next available agenda. Other than for meetings to be held on a Monday or a Tuesday, any notice to be given under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week preceding the meeting. For meetings to be held on a Monday or a Tuesday, Notices under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week before the week preceding the meeting. (For the avoidance of doubt, under this provision an item for a meeting to be held on, say Tuesday 15th would be required by noon on Tuesday 1st of that month).
- (b) Any member of the Council shall be entitled to give notice to the Legal and Democratic Services Manager by 12 noon on the Tuesday of the week preceding the meeting that he/she wishes an item relevant to a report on the Members' Update relating to the functions of the Regulatory Committee/Sub-Committee concerned to be included on the agenda for the next meeting of that Committee or Sub-Committee. Notices under this provision shall be submitted to the Legal and Democratic Services Manager in accordance with the timescale as set out in (a) above. The procedure for dealing with Member's Updates Procedure Rules.

7. **Who may attend?**

- (a) The leaders of the two main political groups on the Council shall be allowed to attend each Regulatory Committee and to speak, but not vote, on any issue under consideration.

- (b) Members who are not members of a Regulatory Committee shall be entitled to attend meetings of that Regulatory Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed, with the consent of the Chairman, to speak but not vote, provided notice is given to the Legal and Democratic Services Manager or his/her representative by 12 noon on the day of the meeting.
- (c) Where a member has given written notice for an item to be included on a Regulatory Committee agenda, that member may attend and, with the consent of the Chairman, speak, but not vote, on that item, provided that in cases where disciplinary matters are under consideration, then only the members of the committee or sub-committee appointed by the Council shall be in attendance other than the officers servicing the committee or involved in the disciplinary action.

8. **Appeal or quasi-judicial hearings**

The Licensing and Appeals Committee will, on occasions, meet to determine applications or appeals and will be sitting in a quasi-judicial capacity. For those meetings, the committee may have adopted a procedure to meet the requirements of the rules of natural justice and the conventions in the Human Rights Act 1998. If, on those occasions, any conflict arises between the adopted procedure and these Rules, the adopted procedure will apply.

9. **Party Whip**

When considering any matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet in respect of which a member of a Regulatory Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the details of the whipping arrangement shall be recorded in the minutes, it being noted that it is current practice for the party whips not to be used in respect of quasi judicial decisions.