

Article 8 - Other Committees / Informal Consultative Groups

8.1. Other Committees

8.1.1. The Council will appoint the following other Committees to take such decisions which are not reserved to Full Council; the responsibility of the Leader / Cabinet or within the remit of Overview and Scrutiny:

~~a)~~ **Western BCP Planning Committee** – consisting of ~~14~~11 Councillors;

~~a)~~b) **Eastern BCP Planning Committee** – consisting of 11 Councillors;

~~b)~~c) **Licensing Committee** – consisting of 14 Councillors;

~~e)~~d) **Standards Committee** – consisting of 7 Councillors;

~~d)~~e) **Appeals Committee** – consisting of 7 Councillors;

~~e)~~f) **Audit and Governance Committee** – consisting of 9 Councillors; and

~~f)~~g) **Investigation and Disciplinary Committee** – consisting of 7 Councillors (including the Leader of the Council and another member of the Cabinet).

8.1.2. The Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the minutes of the meetings.

8.1.3. The Council will establish a Health and Wellbeing Board in accordance with the legislative requirements and statutory guidance, and the terms of reference for this Board are published on the website.

8.2. Powers of Committees

8.2.1. The Committees shall have the functions set out within Part 3 of this Constitution.

8.2.2. A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Full Council as appropriate.

8.3. Informal Consultative Groups

The Council may establish informal advisory groups which shall not have any power to make decisions. The groups may be consulted on matters within the terms of reference approved by Council and as set out within Part 3 of this Constitution.

8.4. Training Requirements

No councillor shall sit as a member or, where applicable, as a substitute member of the following bodies unless they have received appropriate training provided for this purpose.

- a) Western BCP Planning Committee;
- b) Eastern BCP Planning Committee;
- c) Licensing Committee;
- d) Appeals Committee;
- e) Transportation Advisory Group.

8.3-8.5. Conduct of Committee Meetings

Committee meetings will be conducted in accordance with the law and the Procedure Rules set out within Part 4D of this Constitution.

- 8.6. The relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Council employees. Additionally, this will include the right to be accompanied by a legal representative at their own cost.

Independent Panel

- 8.7. The three Independent Persons appointed by the Council pursuant to the Localism Act requirements shall act as the Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

9. Transportation Advisory Group

9.1. The Transportation Advisory Group (TAG) may:

- 9.1.1. consider transportation issues, including proposed highway regulation and traffic regulation orders, which are not otherwise delegated to the relevant Chief Officer to determine in accordance with the officer scheme of delegation;
- 9.1.2. receive representations from residents, ward councillors, petitioners and interested persons when considering matters under 9.1.1 above;
- 9.1.3. provide feedback to Cabinet as a consultee, including reasons when at variance to the officer recommendation, on each of the transport issues referred to it under 9.1.1 above;

9.2. For the avoidance of doubt, the Transportation Advisory Group is not permitted to make decisions in its own right.

9.3. The composition of the Transportation Advisory Group shall consist of one appointed representative (excluding Executive Members) from each formally constituted political group under The Local Government (Committees and Political Groups) Regulations 1990 and shall appoint one of the political group representatives to preside.

9.10. Leader and Cabinet – Executive Functions

Discharge of Executive Functions

9.4.10.1. All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision-making to:

- 9.1.1.10.1.1. the Cabinet;
- 9.1.2.10.1.2. a member of the Cabinet;
- 9.1.3.10.1.3. a Committee of the Cabinet;
- 9.1.4.10.1.4. an Officer;
- 9.1.5.10.1.5. another Council; or
- 9.1.6.10.1.6. another organisation under joint arrangements.

	and/or (b) to refer any complaint concerning a failure to disclose a disclosable pecuniary interest to the police without further reference.
Referendums	
85	To make arrangements for (including the holding of) any referendum.
Registers	
86	To determine any application to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).
Signing and Sealing	
87	To sign and issue any certificate confirming the Council's power to enter into a contract where this is legally required.

Specific Delegations of particular relevance to the Chief Operations Officer	
Ref	Power
General	
88	<p>To undertake all action relating to:</p> <ul style="list-style-type: none"> (a) the acquisition or disposal of any land or building; and/or (b) any grant and/or termination of any lease or licence for any land or building; (c) any other transaction associated with any land or building, provided that in all cases: <ul style="list-style-type: none"> (i) the sum of money associated with any such acquisition, disposal or other transaction (including termination) does not exceed £500,000; and (ii) all costs associated with any such transaction can be met from within a budget available for such purposes.
Highways / public rights of way / public access	
89	<p>To undertake all action relating to the regulation of highways, public rights of way and/or public access including:</p> <ul style="list-style-type: none"> (a) the processing, administration and determination of any application or request arising in relation to any such matter; and/or (b) the making of any order relating to any highway, public right of way and/or public access in the area of the Council including any order under: <ul style="list-style-type: none"> (i) the Highways Act 1980; and/or (ii) the Road Traffic Regulation Act 1984; (c) <u>the referral of appropriate permanent or experimental traffic regulation orders to the Transportation Advisory Group, where, following consultation with the relevant Portfolio Holder, it is considered that there are significant or contentious objection(s) received during the statutory consultation period.</u>

- 12.7. Following the answer to each question, the questioner may only ask one supplementary question which must relate to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Councillor answering the supplementary question will decide whether or not to reply.
- 12.8. Where a question submitted under this Rule relates to a matter that appears on the Agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter, and the time taken to deal with such questions will not form part of the 30 minutes set aside for General Questions.
- 12.9. The time allowed for Councillors to ask questions under this Rule will be a maximum of 30 minutes but is otherwise a matter for the discretion of the Chair who, in exercising their discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

13. Public participation at meetings

- 13.1. The following procedures enable members of the public to submit questions, make statements and present petitions at ordinary meetings of the Council, Cabinet, Committees and Sub-Committees.
- 13.2. The time for questions, statements and petitions from members of the public shall normally commence immediately after the item 'Declarations of Interest' on the agenda for the meeting and shall be restricted to a total of 15 minutes, although, at the discretion of the Chair of the Council or the Chair of the meeting, this time may be extended. Where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all Councillors.
- 13.3. This procedure does not apply to Planning Committees, Licensing Committee, ~~or~~ Appeals Committee or the Transportation Advisory Group. In so far as the law allows, each of those Committees and Groups may adopt one or more protocols / codes for establishing the arrangements and proceedings regarding any public representation at the Group, Committee or any of its Sub-Committees.
- 13.3.1. Any such protocol / code may be reviewed, modified, cancelled and replaced by the respective Committee or Group. The current version of any such protocol will be included within Part 6 of the Constitution and published on the Council's website.
- 13.3.2. A protocol / code may make provision limiting the ability of a member of the public to speak on any item and may also limit the right of a Councillor who is not appointed to that Committee or Group to speak.
- 13.3.3. For the avoidance of doubt, nothing in this section shall prevent Full Council from also having power to adopt any protocol / code relating to any proceedings of the bodies to which this section relates.

Council,
Cabinet,
Committees and
Sub-Committees
(except
Planning,
Licensing and
Appeals
committees)
unless otherwise
stated

- 23.3. Where a Political Group intends to vary its representation on a Committee or Sub-Committee, the Group Leader (or their nominated representative) shall inform the Monitoring Officer or their nominee prior to the meeting, and the Substitute Member shall inform the Chair at the beginning of the meeting. The outgoing member shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that substitute Councillor shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing member shall resume their representation on the Committee or Sub-Committee in question.
- 23.4. On receipt of a Notice under this Procedure Rule the Monitoring Officer or their appointed nominee shall, at the meeting (prior to the commencement of the main business) inform the Committee or Sub-Committee.
- 23.5. For the avoidance of doubt, there are no substitute arrangements in respect of the Cabinet and informal Consultative Groups.

24. Attendance of Councillors at Committees and Sub-Committees of which they are not members

Committees and
sub-committees

- 24.1. Notwithstanding their rights as a member of the public, a Councillor may attend any meeting of a Committee or Sub-Committee to which they have not been appointed, for the purposes of performing their duties as a Councillor, including when Exempt or Confidential business is transacted subject to the provisions of the Access to Information Rules.
- 24.2. A Councillor will be provided with access to a copy of the agenda and relevant papers when they arrive at the meeting, subject to the Access to Information Rules set out at Part 4A of this Constitution.
- 24.3. The Councillor has no right to vote but may speak with the consent of the Chair of the meeting.

25. Disorderly conduct by Councillors

- 25.1. If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding shall warn them. If the misconduct continues, the person presiding or any other Councillor may move "That the Councillor be not further heard for the item being debated" or "That the Councillor be not further heard for the remainder of the meeting". The motion, if seconded, shall be put and determined without discussion.
- 25.2. If the Councillor continues the misconduct after a motion under the Rule 25.1 of this Part 4D has been carried, the person presiding may: either move "That the Councillor do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 25.3. In the event of general disturbance by Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.