

SECTION 2: RULES OF GENERAL APPLICATION TO ALL COMMITTEES & PETITIONS

The rules stated below have applicability to all meetings of council appointed committees unless stated otherwise.

1. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 1.1 The Council will operate a scheme of substitution in respect of Members on Committees other than the Standards Committee and in respect of other formally constituted meetings of Members.
- 1.2 Substitute Members will have all the powers and duties of any ordinary Member of the Committee or meeting.
- 1.3 Substitute Members may attend meetings as substitutes:
 - (a) to take the place of the ordinary Member for whom they are the designated substitute;
 - (b) where the ordinary Member will be absent for the whole of the meeting.
- 1.4 The detailed procedure governing substitutions is set out in paragraph 22 of these Procedure Rules.

2. PUBLIC PETITIONS

- 2.1 Provision shall be made at the beginning of ordinary meetings of the Council for members of the public to present petitions (which are received in accordance with the council's rules of procedure) and address the meeting. The appropriate Member will be given the opportunity to respond at the meeting

3. VOTING

- 3.1 Subject to any statutory requirements, any matter at a Council meeting will be decided by a simple majority of those Members voting and present in the room at the time the question was put.
- 3.2 The Mayor/Chairman shall ascertain from the Governance representative or through confirmation from the electronic voting results, the numbers voting for or against any matter and their declaration of the result shall be conclusive.

4. MAYOR'S/CHAIRMAN'S CASTING VOTE

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

5. SHOW OF HANDS

- 5.1 Unless a recorded vote is demanded, the Mayor/Chairman will take the vote either by show of hands or electronically, or if there is no dissent, by the affirmation of the meeting.

6. RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

- 6.1 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting or if the vote is electronically taken, for these results to be entered into the Minutes.

7. VOTING ON APPOINTMENTS

- 7.1 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.

8. MINUTES

- 8.1 Minutes of the proceedings of council meetings shall be drawn up and entered in a book kept for that purpose. These shall be signed by the person in the chair at the same or next meeting of that meeting. In the case of the minutes of an extraordinary council meeting, the next ordinary meeting will be treated as a suitable meeting for this purpose. Any minute purporting to be so signed shall be received in evidence without further proof.
- 8.2 The signed Minutes of a meeting shall, unless the contrary is proved, be proof that it was duly convened and held and that all the Members present were duly qualified. In the case additionally of Committees, the signed Minutes will, unless the contrary is proved, be proof that they had power to deal with the matters referred to in the Minutes.
- 8.3 The Mayor/Chairman shall put the question that the Minutes of the meeting of the Council held on the relevant date be approved as a correct record.

- 8.4 No discussion shall take place on the minutes, except on their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or, if it is raised, then as soon as it has been disposed of, the Mayor/Chairman shall sign the minutes.
- 8.5 The minutes of all council meetings shall be made available electronically to all Members.
- 8.6 The signed copies of all such minutes shall be retained in either printed or electronic form by the Governance Services Manager.

9. RECORD OF ATTENDANCES

- 9.1 The names of the Members present at a council meeting shall be recorded.

10. EXCLUSION OF PUBLIC

- 10.1 Members of the public and press may only be excluded from proceedings at council meetings either in accordance with the Access to Information Procedure Rules or where the Mayor/Chairman considers the Disturbance by Public Rules below apply.

11. DISTURBANCE BY PUBLIC

- 11.1 If a member of the public interrupts proceedings at any meeting of the council, the Mayor/Chairman will warn the person concerned. If they continue to interrupt, the Mayor/Chairman may order their removal from the meeting room.
- 11.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared and for an adjournment of the meeting for as long as necessary or to another location.

12. MEMBERS' CONDUCT

- 12.1 If a Member at a meeting of the council disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may request the immediate discontinuance of this behaviour.
- 12.2 If the Member persists with the misbehaviour, the Chairman will rule that the Member be not heard further and/or that the Member shall leave the room for a period which the Chairman considers appropriate.

- 12.3 The Chairman has powers to take whatever measures they may consider necessary to secure the removal of, or prevent the Member from re-entering the room.
- 12.4 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary.

13. RESTRICTIONS DURING COMMITTEE MEETINGS

- 13.1 It is the general rule for no food to be eaten nor any alcohol drunk in the Chamber during any committee meetings.
- 13.2 Smoking is prohibited anywhere within the council building.
- 13.3 All mobile telephones or other electronic devices should either be switched off or put on silent mode so not to cause any disturbance to the conduct of the meeting.
- 13.4 The Mayor/Chairman may issue a reminder at the start of the meeting to this effect.

14. INTERPRETATION OF PROCEDURAL RULES

- 14.1 The ruling of the Mayor/Chairman as to the construction or application of any of these Rules shall not be challenged at any meeting of the council.

15. RULES RELATING TO COMMITTEES

- 15.1 A committee shall meet on the date and time specified at the Annual Meeting of the Council.
- 15.2 The Governance Services Manager may:
- (a) cancel a committee meeting if they consider there is insufficient business or
 - (b) after consultation with the Committee Chairman and Leaders of the opposition parties, cancel, postpone or vary the day, hour or venue of a Committee meeting for any other good and substantial reason.

(In the absence of those mentioned, the Vice-Chairman of the Committee and Deputy Leaders of the opposition parties may be consulted instead)

- 15.3 In the case of 15.2(b), if, after consultation, any of the opposition parties disagree with the proposed change in meeting arrangements, the matter shall be referred to and determined by the Chief Executive, who shall have regard to the wishes (if any) expressed by the Groups and to the requirements of the fair and efficient conduct of the Council's business. Their decision shall be final.

16. SPECIAL MEETINGS OF COMMITTEES

- 16.1 The Governance Services Manager may summon a special meeting of a committee if they consider there is a good reason to do so.
- 16.2 A special meeting shall also be summoned if:
- (a) a quarter of the Members of the Committee request it in writing or electronic mail to the Governance Services Manager or;
 - (b) at the request of the Chairman of the Committee or the Mayor, made in writing or electronic mail to the Governance Services Manager.

The summons shall set out the business to be considered at the special meeting, and no other business except that set out in the summons shall be considered at that meeting.

17. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

- 17.1 The Chairmen and the Vice-Chairmen of all Committees shall be appointed at the Annual Meeting of the Council unless owing to special circumstances the Council decide otherwise.
- 17.2 In the event of a casual vacancy occurring in the Chairman or the Vice-Chairman of a Committee, an appointment shall be made at the next ordinary meeting of the Committee.
- 17.3 Chairmen and Vice-Chairmen shall remain in office until their successors have been appointed.
- 17.4 In the absence of the Chairman, the Vice-Chairman shall take the chair and in the absence of the Chairman and Vice-Chairman the Members present may appoint a member of that committee to chair the meeting.
- 17.5 In the case of a Committee newly created during the course of the Municipal Year, the Chairman and Vice-Chairman shall be appointed from the majority group on the Council.

18. QUORUM

- 18.1 Except where authorised by statute, or permitted by the Council, no business can be dealt with at a meeting of any Committee unless at least half of the Membership of the Committee or five Members of it (whichever is the less) are present.

19. VOTING

- 19.1 All issues in Committee, where in doubt, shall be determined by show of hands or through an electronic vote.
- 19.2 In the case of an equality of votes at the meeting, the person presiding shall have a second or a casting vote.

20. PROPOSER OF MOTION MAY ATTEND

- 20.1 Provided it is permitted within the terms of reference of that committee, a Member who has moved a motion which has been referred to a committee shall have the right to attend the meeting of that committee, and if attending, shall have the opportunity of explaining the motion.

21. MEMBERS MAY ATTEND

- 21.1 Any Member may attend a meeting of the council even if he or she is not a member of it. This rule shall not apply to meetings where they cannot do so legally or the proceedings are of a quasi-judicial nature (that is, where the committee is being required by law to exercise functions or powers similar to a court or tribunal) or in the case of Overview and Scrutiny Committee when exercising scrutiny functions and the Executive are excluded.
- 21.2 Except in relation to the Overview and Scrutiny Committee, when exercising scrutiny functions there will be no general right to speak unless required by those committees to do so.
- 21.3 A Member who attends a meeting of the council and who is not a member of that meeting shall not be permitted to vote on any item of the meeting.

22. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 22.1 Substitutions are not permitted for meetings of the Cabinet, Standards Committee and Scrutiny Sub-Committees.

- 22.2 For all other Committees, Group Leaders or their nominated representatives must notify the Governance Services Manager in writing or by electronic mail, the appointment of any substitute Members to council meetings at least 2 hours before the scheduled start of the meeting. All substitutes must have attended all relevant training for that committee.
- 22.3 In the notifications, the Group or their nominated representatives must provide the following information to the Governance Services Manager:
- (a) name of meeting(s)
 - (b) date of meeting(s)
 - (c) name of member who will not be attending and name of member who will be substituting.
- 22.4 Individual Members cannot nominate their own substitutes, nor can a substitute nominate someone else to take his or her place.
- 22.5 If this procedure is not adhered to, the appointment will not be valid and the proposed substitute will have no rights of membership or voting on that committee.
- 22.6 Records of substitute nominations will be maintained and made available for public inspection.
- 22.7 The substitution will also be recorded in the Minutes of the meeting.
- 22.8 Withdrawal of any substitute nominations can be made up to the time of the meeting by either the Group or their nominated representatives.

23. PETITIONS

- 23.1 The Council will treat something as a petition if it is identified as being a petition, or if it appears to be intended to be a petition, and it meets the criteria set out below.
- 23.2 Paper petitions can be sent to: Governance Services, Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City, Herts, AL8 6AE.

- 23.3 Electronic petitions will also be accepted. These should be either submitted using the council's [ePetitions facility](#) or submitted as one document, containing either all the local persons' individual e-mails received by the organiser on a specific date, and those individual's names and addresses, or if a standard template e-mail has been used, the list of names, postal addresses and e-mail addresses of those supporting the petition. These petitions should be sent to democracy@welhat.gov.uk.
- 23.4 When a petition is received the Council may consider undertaking one or more of the following actions:
- (a) taking action as requested in the petition
 - (b) (through its officers) meeting with petitioners
 - (c) referring the petition to the Council or one of the Council's Committees
 - (d) calling a referendum (a referendum on constitutional change could be triggered with a petition submitted by 5% of the local government electors registered in the local authority's area).
- 23.5 Once a petition has been received, it will be assigned to a Governance Services Officer, who will be responsible for advising the petition organiser on the action to be taken by the authority. This will usually be within 10 working days.
- 23.6 The petition must relate to functions for which the Council has powers or duties or to improvements in the economic, social or environmental welfare of Welwyn Hatfield to which the Council can reasonably contribute.
- 23.7 Petitions submitted to the Council must include the following:
- (a) a clear statement of the petitioners concerns and what they want the Council to do.
 - (b) the name and contact details of the petition organiser; this should be a local person*. This may be either a postal address or e-mail. This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.
 - (c) the name (preferably in block capitals) and full address of each local person* who signs it. This will help the Council assess the extent to which the views expressed represent a particular locality. Where the petition is in paper form, this should include an actual signature. Where the petition is submitted in electronic form, a list of the names and postal addresses will suffice.

23.8 The petition organiser, or their nominee** will be able to speak at the meeting providing the following conditions are met:

- (a) the petition must relate to the powers and duties of that committee / body;
- (b) it must be signed by at least 50 'local people' (see definition below) who have an interest in the subject of the petition - the addresses of the signatories must be included for this purpose;
- (c) the petition must be received by no later than 12.00 noon, five clear working days before the meeting;
- (d) it must be accepted by the Mayor/Chairman of the Committee for presentation at the meeting.

*A local person is defined as one who lives in, owns a business in, works in, or attends an educational facility in Welwyn Hatfield at the time the petition is submitted

**Councillors cannot speak to petitions as a nominee under this procedure as they have other opportunities to make their views known.

23.9 If a petition contains at least 1,500 signatures of local persons and complies with the criteria as set out above, the petition organiser can ask for it to be debated at a meeting of the Council. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will be deferred to a future meeting.

23.10 The petition organiser, or nominee, may speak to a petition presented at the Council meeting provided that the above conditions are met. The petition organiser, or nominee, will be given 5 minutes to present the petition at the meeting and the petition may be discussed by Councillors for a maximum of up to 15 minutes.

23.11 The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to refer the petition to the appropriate committee for further consideration.

23.12 Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

- 23.13 If there is an item/report on the agenda which relates to the petition, the petition organiser will usually be asked to make their presentation at the beginning of that item. The meeting will take into account the views expressed in the petition when reaching a decision on the issue. Time for presenting a petition will be limited to three minutes.
- 23.14 The person presenting the petition will not be allowed to take part in any subsequent debate by the committee members on the item/report to which the committee is considering.
- 23.15 If there is no relevant item on the agenda, petitions will usually be heard at the start of the meeting. The petition after its presentation cannot normally be discussed at the meeting but will be referred to officers to consider if a report should be made to a future meeting of that or another committee. Petition organisers will receive a written confirmation of the outcome of their petition within ten working days of the meeting or as soon as reasonably possible.
- 23.16 Certain petitions are not covered by this scheme and are dealt with under separate processes. These are:
- (a) Petitions relating to planning applications. These are considered by the Council's Development Management Committee.
 - (b) Petitions relating to traffic regulation orders. These are considered by the Cabinet Planning and Parking Panel.
 - (c) Petitions in response to consultation on a specific issue or proposal. These should be sent to the return address as detailed in the relevant consultation document.
 - (d) Statutory petitions (for example requesting a referendum on having an elected mayor)
 - (e) A matter where there is an existing right of appeal
- 23.17 The Council will not consider:
- (a) Petitions that do not follow the guidelines set out in this scheme.
 - (b) Petitions that do not relate to something which is the responsibility of the authority or over which the authority has some influence.
 - (c) Petitions disclosing matters that are personal or confidential.
 - (d) Petitions which are in the opinion of the Monitoring Officer, in consultation with the relevant committee chairman, to be libellous, rude, offensive, vexatious, abusive or otherwise inappropriate, or which are in breach of the Council's statutory duties in respect of equality, diversity and inclusion.

- (e) Petitions from, or submitted on behalf of a business, or person, where the main purpose of the petition is to influence a forthcoming commercial decision of the Council, or the terms and conditions of a commercial transaction.
- (f) Duplicate petitions. Where more than one petition is received in time for a particular meeting, each supporting the same or similar outcomes, each petition organiser will be treated as an independent petition organiser, but only the organiser of the first petition to be received will be invited to address the relevant meeting.
- (g) Repeat petitions. Petitions will not normally be considered within twelve months of another petition on the same or similar matter having been considered by the Council through any of its committees.

Where any of the above applies, an officer of the Council will contact the petition organiser to explain the reasons behind the decision.

- 23.18 If the petition organiser considers that the Council has not dealt with the petition properly, he or she has the right to request that the Council's Chief Executive (or a senior officer nominated by the Chief Executive) reviews the steps that the Council has taken in dealing with and responding to the petition.
- 23.19 The petition organiser should write to the Chief Executive by no later than 14 days after the Council's response, providing a short explanation of the reasons why the Council's response is not considered to be adequate.
- 23.20 The Chief Executive (or the senior officer nominated by the Chief Executive) will initially acknowledge the request as soon as possible and will endeavour to respond substantively within 10 working days of receipt of the written request.