

## **ANNEX 11 – STANDING ORDERS FOR REGULATORY AND OTHER COMMITTEES**

### **INTRODUCTION**

In these Standing Orders:-

"Committee" means the Development Control Committee, Employment Committee, Pensions Committee, Audit Committee, Standards Committee (and any Sub-Committee established by the Standards Committee) and, save as mentioned below, any other Committee established by the Council having responsibility for taking decisions on behalf of the Council. It also includes the Health and Wellbeing Board established under Section 194 of the Health and Social Care Act 2012 except where different or conflicting provision is lawfully made in the Health and Wellbeing Board's Constitution at Annex 11A.

"Committee" does not include the LGPS Access Joint Committee.

"Member" means a member of the Committee

"Group Spokesman" means the Opposition Spokesman and Spokesman for any Group represented on the Committee

"Chairman", except in Standing Orders C.2 and C.3, means the person presiding at the meeting.

\* = Those Standing Orders which are required or substantially required by law and cannot be suspended or revoked.

### **STANDING ORDER C.1 - Constitution and Membership**

- (1) The composition and delegated powers of the Committees are as set out in this Constitution.
- (2) Appointments to Committees shall be made according to the rules of the Local Government and Housing Act 1989 (which include proportionality) and subject to that:-
  - (a) The Council fills places on Committees (and appoints substitute members for Development Control Committee) at its annual meeting every year (but in years not being years of election committee members remain in office for the ensuing year unless there is a resolution to the contrary).<sup>1</sup>

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<sup>1</sup> The Chief Legal Officer is able to use his/ her delegated authority (Annex 3 paragraph 4.8) to appoint substitutes to Development Control Committee if any of the substitutes appointed by Council are not available to attend the relevant meeting.

- (b) The Chief Legal Officer fills casual vacancies on all Committees.
- (3) Members of the Development Control Committee (and substitute members) shall be trained in the Council's Code of Planning Practice and other relevant policies procedures and rules before they can participate in Development Control Committee.

### **STANDING ORDER C.2 - Chairman**

- (1) The Chairman and Vice-chairman of each Committee shall be appointed at the Annual Meeting of the Council each year. Casual vacancies shall be filled by the Council or by the Committee at the first meeting of either after the occurrence of the vacancy.
- (2) The Chairman and Group Spokesmen may require a briefing by Officers on the business of the meeting.

### **STANDING ORDER C.3 - Meetings**

- (1) The date, time and place of ordinary meetings shall be published on the Council's website Hertsdirect.
- (2) The Chairman may, after consultation with the Group Spokesmen, cancel a meeting because of lack of sufficient business. The Chairman may (after consultation) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (3) Meetings are all held at County Hall unless otherwise notified and the exact venue is identified on the agenda.
- (4) The Chairman of the Committee may summon a special meeting at any time.
- (5) A special meeting shall be summoned if at least one quarter of County Council members so require the Chief Legal Officer in writing.
- (6) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (7) All members of the Council may attend Committees of which they are not members and may speak, subject to the Chairman's responsibility to control the business of the Committee.

#### **STANDING ORDER C.4 - Notice**

\*At least 5 clear days before a meeting:-

- (a) notice shall be published at County Hall of the time, place and agenda
- (b) a summons shall be sent to every member stating the time and place and business to be transacted
- (c) the minutes of the last meeting shall be sent to every member.

#### **STANDING ORDER C.5 - Quorum**

No business shall be transacted unless at least one quarter of the members, or three members whichever is greater, are present in the meeting.

#### **STANDING ORDER C.6 – Agendas**

- (1) Officers shall prepare reports on all items. Reports to the Development Control Committee will contain recommendations from officers.
- (2) The Chief Legal Officer will, at least 10 days before the meeting send an agenda with full reports to all members of the committee and any other members who have requested them.

These documents will only be sent out less than 10 days in advance with the agreement of the Chief Executive.

- (3) Officers shall notify local members of agenda items particularly affecting their division.

#### **STANDING ORDER C.7 - Voting**

- (1)\* All questions shall be determined by a show of hands by a majority of members present and voting but any member may require a recorded vote.

If the result of any vote is equal, the Chairman shall have a second (casting) vote.

- (2) Where a Committee is required to make an appointment where more than one position is to be filled, and there are more candidates than positions, voting shall be by written ballot.

Where three or more persons are nominated for one position to be filled and of the votes cast there is not a majority in favour of one person, the name of the person having the least number of votes

shall be struck off the list and a fresh vote taken until a majority of votes is cast in favour of one person.

- (3) If any member dissents on a decision, they may request that their name be recorded in the minutes.

#### **STANDING ORDER C.8 – Minutes**

- (1) Minutes of each meeting shall be published and made available to every member of the Council as soon as possible after the meeting and in any event at least 3 clear days before the next ordinary meeting.
- (2) \* Minutes of meetings shall be kept in a book which shall be signed at the next meeting by the Chairman. The book shall be open for inspection by any member of the Council.
- (3) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except upon their accuracy.

#### **STANDING ORDER C.9 - Procedure and Conduct**

- (1) The Order of Business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.
- (2) All motions require notice which shall be in writing and delivered to the office of the Chief Legal Officer by 9 am on the day before the meeting, but the Chairman may in the interests of convenience allow debate on a motion of which such notice has not been given.
- (3) Every motion must be relevant to some matter within the Committee's terms of reference and shall arise upon a matter contained within the agenda. The Chairman may however at discretion allow consideration of reports or motions which are within the Committee's terms of reference but not contained within the agenda, if by reason of special circumstances which shall be specified in the minutes, the matter is urgent.
- (4) Motions and amendments shall not be considered unless they are moved and seconded, but a seconder is not required for motions by the Chairman. The mover of a motion shall have a right to reply immediately before the motion is put to the vote.
- (5) The Chairman shall control the conduct of the meeting and the ruling of the Chairman on any point of order shall be final and shall not be questioned during the meeting.
- (6) All speeches shall be concise and relevant to the matter in hand.

- (7) Questions relating to matters on the agenda shall be asked when that matter is discussed, and may be addressed to the Chairman or to an officer, who may answer orally or may undertake to provide a written reply within seven days.
- (8) Chairmen and Group Spokesmen shall be entitled to a pre-Committee briefing by the officers. Members may choose to have these briefings separately or jointly. The briefing with the Chairman may include procedural issues.
- (9) Group briefings will be confidential unless the members concerned indicate otherwise.

#### **STANDING ORDER C.10 - Meetings Open to the Public**

- (1)\* All meetings shall be open to the public except to the extent that they are excluded under (3) below and of the safe capacity of the room where the meeting is being held.
- (2) Those present may make a written record of the proceedings but no person (including members) may undertake photography or any form of sound or vision recording without the express consent of the Chairman.
- (3) If the business to be transacted includes confidential or exempt information as defined in Sections 100A(3) and 100 I respectively of the Local Government Act 1972, the Chairman shall move a motion under Section 100A(2) or (4) of the Local Government Act 1972.
- (4) Smoking is prohibited.

#### **STANDING ORDER C.11 - Representations**

This Standing Order applies only to the Development Control Committee.

- (1) Applicants and objectors will have the opportunity to address the Committee in respect of any application before them. Prospective speakers shall give 7 days notice that such a presentation is to be made and shall then submit a supporting paper outlining the main points of the presentation at least 2 full working days prior to the meeting, to enable the points they wish to raise to be fully considered. There shall be at least one presentation supporting the application and one presentation opposing the application, unless no such persons wish to attend. The number and length of presentations to the Committee shall be as set out in Standing order C.11 (2) below.
- (2) The maximum number of presentations and the time allowed for each presentation shall be:

**Planning applications:**

Opposing the application - 2 speakers at up to 5 minutes each

Supporting the application - up to 5 minutes and/or the same cumulative time as notified for objectors

**Planning applications with Environmental Impact Assessment Development:**

Opposing the application - 4 speakers at up to 5 minutes each

Supporting the application - up to 5 minutes and/or the same cumulative time as notified for objectors

Provided that the Chairman in consultation with the Opposition Spokesmen can exercise his/her discretion to allow an increase in the numbers and time allowed for presentations in relation to specific large scale applications.

**Village Green Applications:**

Where the matter has been heard at a non-statutory public inquiry and is then referred to the Development Control Committee, the applicant or other parties will be given the opportunity to address the Committee for up to 5 minutes each.

Where the matter has not been heard at a non-statutory public inquiry and the oral representations procedure has been requested, the applicant and/or any person who falls within Regulation 28(7)(b) of the Commons Registration (England) Regulations 2008 will have the opportunity to make oral representations before the Committee up to a maximum of 30 minutes.

- (3) There shall also be an opportunity for any member of the public being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Committee are concerned, containing 100 or more signatures of residents or business ratepayers of Hertfordshire. The person named in the notification referred to below may then address the Committee for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. If the subject matter of the petition is not the subject of a report on the agenda of the meeting concerned, the petition will be referred to the next appropriate meeting, or to officers for consideration and report to the local member and Group Spokesmen.
- (4) Notification of intent to present a petition must be given in writing to the Chief Legal Officer at least 5 clear days before the meeting where an item relating to the subject matter of the petition does not

appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.

- (5) Not more than two petitions shall be presented at any one meeting of the Committee unless the Chairman so allows.

#### **STANDING ORDER C.12 - Disorder**

- (1) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.
- (2) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (3) In the case of general disturbance by members of the public the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building where the meeting is being held.
- (4) Members, and members of the press and public, shall ensure that their mobile phones are switched off or otherwise silenced during the meeting. A person whose mobile phone sounds during the meeting may be warned by the Chairman; if the person's phone sounds again during the meeting after such a warning has been given the Chairman may ask that person to leave the meeting.

#### **STANDING ORDER C.13 - Disclosure**

A member shall not disclose to any person except a member of the Council any Committee papers indicated to be confidential unless:-

- (a) the Committee expressly consent;
- (b) the Council has taken steps to make that business public; or
- (c) the law requires.

#### **STANDING ORDER C.14 - Variation and Suspension**

These Standing Orders shall only be revoked or varied by the Council, and may not be suspended by a Committee.