

## **ANNEX 12 – STANDING ORDERS FOR REGULATORY AND OTHER COMMITTEES**

\* = 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 Annex 3 of this Constitution.
- (2) Appointments of Councillors to Committees shall be made in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 (which relate to political balance) and subject to that:-
- (3) Subject to paragraphs (1) and (2) above and (7) to (9) below, the Council makes appointments to Committees (and appoints substitute Councillors for Development Control Committee) at its annual meeting every year, provided that, in any year which is not a year of the ordinary election of Councillors, the existing Councillors serving on the Committee remain in office for the ensuing year unless there is a resolution to the contrary).
- (4) The Councillor membership of a Committee, or of a sub-committee appointed by a Committee, shall be deemed to include any substitute Councillor serving on the Committee, or sub-committee, in accordance with an appointment made by the Council or made under the Substitution Scheme (Annex 28) which has been approved by the Council.
- (5) The Director of Law & Governance fills casual vacancies on all Committees.
- (6) Councillors serving on the Development Control Committee (and substitute Councillors) shall be trained in the Council's Code of Planning Practice (Annex 23) and other relevant policies procedures and rules before they can participate in Development Control Committee.
- (7) In respect of the Audit Committee, any Independent Member shall be appointed for a term of not exceeding two years. The position shall be publicly advertised, and the recruitment process shall be overseen by a panel comprising the S.151 Officer, the Monitoring Officer and the Chairman of the Audit Committee. The panel shall make recommendations to the Audit Committee which shall make any appointment. The appointment process for Independent Members may be initiated by the Audit Committee, and appointments may be made at any time of the year.

- (8) The Audit Committee may not appoint as Independent Members any person who engages in political activities which would not be permissible if that person was an officer holding a politically-restricted post within the Council. The appointed person(s) must also have particular knowledge or expertise in the functions of the Audit Committee.
- (9) The expiry of the term of any Independent Member of the Audit Committee, the vacancy shall be advertised, and a further selection process undertaken. The sitting member shall be eligible for reappointment.

### **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. The Chairman and Vice-Chairman of the Audit Committee must be Councillors.
- (2) The Chairman and any Political Group Spokesman may require a briefing by Officers on the business of the meeting and any such briefing shall remain confidential unless the Councillor(s) briefed decide otherwise.

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

- (1) The date, time and place of ordinary meetings shall be published on the Council's website.
- (2) The Chairman may, after consultation with the Political Group Spokesmen:
  - (i) cancel a meeting because of lack of sufficient business; or
  - (ii) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (3) Meetings shall be held at County Hall unless a different venue is specified on the agenda.
- (4) The Chairman may summon a special meeting at any time.
- (5) A special meeting shall be summoned if at least one quarter of the Councillors serving on the Committee write to the Director of Law & Governance requiring one.

- (6) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (7) Any Councillor may attend a meeting of a Committee of which he/she is not a member and may speak, subject to the Chairman's responsibility to control the business of the Committee.

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

- (1) \*At least 5 clear working days before a meeting:-
  - (a) notice shall be published at County Hall and on the Council's website of the time, place and agenda;
  - (b) a summons shall be sent to every person serving on the Committee stating the time and place and business to be transacted;
  - (c) the minutes of the last meeting shall be sent to every person serving on the Committee.
- (2) The Agenda published in accordance with Standing Order C.4(1) shall be accompanied by reports for the items to be considered at the meeting.
- (3) Standing Order C.4(1) shall not apply to a meeting called urgently at less than 5 clear working days' notice, but, in such a case, the requirements of Standing Order C.4(1) shall be complied with as soon as the meeting is called.

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

No business shall be transacted unless at least one quarter of the Councillors serving on the Committee, or 3 of those Councillors, whichever is greater, are present at the meeting. By way of clarification, an Independent Member of the Audit Committee shall not count towards the quorum.

#### **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) Officers shall notify the local Councillor of any agenda item particularly affecting their electoral division.

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

- (1)\* All matters requiring a decision shall be determined by a show of hands or by means of electronic voting equipment.
- (2) Immediately before a vote is taken any Councillor may require the vote to be recorded to show how each Councillor present voted and the name(s) of any Councillor(s) who abstained from voting (“a recorded vote”)
- (3) Immediately after a vote has been taken any Councillor may require that the minutes record the way in which that Councillor voted.
- (4) If there is an equality of votes the Chairman shall have a second (casting) vote.
- (5) Where three or more persons are nominated for one position to be filled, and of the votes cast there is no overall 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 with this procedure being repeated until a majority of votes is cast in favour of one person.
- (6) Where more than one position is to be filled by the Council and there are more candidates than positions, voting shall be by ballot.
- (7) In the case of the Audit Committee, the Independent Member(s) may not vote. However, Councillor members must take into account the views of the Independent Member(s) before the Committee reaches a decision in a meeting.

### **STANDING ORDER C.8 – Minutes**

- (1) Minutes of each meeting shall be published and made available to every Councillor on the Council as soon as possible after the meeting and in any event at least 3 clear working 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 Councillor on 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 Director of Law & Governance 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 to an item on the agenda. The Chairman may, however, at his/her discretion allow debate on a motion which is within the Committee's terms of reference but which does not relate to an item on the agenda if, by reason of special circumstances which shall be specified in the minutes, the matter is urgent.
- (4) A motion or amendment shall not be debated unless it is seconded, provided that a motion moved by the Chairman does not have to be seconded.
- (5) The mover of a motion shall have a right to reply immediately before the motion is put to the vote.
- (6) 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.
- (7) All speeches shall be concise and relevant to the matter being discussed.
- (8) 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 5 working days.

#### **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 (4) below and of the safe capacity of the room where the meeting is being held.
- (2) At any time while a meeting is open to the public any person attending may report on the meeting (other than orally or by way of oral commentary while present at the meeting) using any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- (3) A person attending a meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

- (4) If the business to be transacted includes confidential or exempt information as defined in Sections 100A (3) and 100 I respectively of the 1972 Act:
- (a) in the case of confidential information, the Chairman shall move a motion under Section 100A(2) of the 1972 Act;
  - (b) in the case of exempt information, any Councillor may move a motion under Section 100A (4) of the 1972 Act.

**STANDING ORDER C.11 – Representations at Development Control Committee**

- (1) Standing Order C.11 applies only to the Development Control Committee.
- (2) Applicants and objectors will have the opportunity to address the Committee in respect of any application before the Committee. Prospective speakers shall give 4 working 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 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 (3) below.
- (3) 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 - 2 speakers at 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 - 4 speakers at up to 5 minutes and/or the same cumulative time as notified for objectors

Provided that the Chairman in consultation with the Political Group 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:**

- (4) 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.
- (5) 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.

### **All Applications - Petitions:**

- (6) There shall also be an opportunity for any member of the public being resident or working in Hertfordshire to present a petition containing 100 or more signatures of residents or persons working in Hertfordshire and relating to a matter with which the Committee are concerned. The person named in the notification referred to in Standing Order C.11(7) below may then address the Committee for no more than 5 minutes on the subject of the petition but 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 for the meeting the petition will be referred to the next appropriate meeting, or to officers for consideration and report to the local Councillor and Political Group Spokesmen.
- (7) Notification of intent to present a petition must be given in writing to the Director of Law & Governance at least 5 clear working 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 3 clear working days before where the item is the subject of a report.
- (8) No more than 2 petitions shall be presented at any meeting of the Committee unless the Chairman otherwise determines.

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

- (1) If a Councillor (or Independent Member of a Committee) 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 Councillor be silent or that the Councillor leave the meeting. If the Councillor does not comply or otherwise persists in misconduct, the Chairman may order that the Councillor be removed and may adjourn or suspend the meeting for so long as seems fit.

- (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 and may adjourn or suspend the meeting for so long as seems fit.
- (4) Councillors, Independent Members, and members of the press and public, shall ensure that their Mobile Devices are switched off or otherwise silenced during the meeting. A person whose Mobile Device sounds during the meeting may be warned by the Chairman; if the person's mobile device 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 Councillor shall not disclose to any person except another Councillor 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.

#### **STANDING ORDER C.15 – Interpretation**

(1) In these Standing Orders:-

- (a) "the 1972 Act" means the Local Government Act 1972;
- (b) "Chairman", except in Standing Orders C.2 and C.3, means the person presiding at the meeting;
- (c) "Committee" means:
  - (i) any Committee established by the Council under Section 102 of the 1972 Act, any other Committee established by the Council having responsibility for taking decisions on behalf of the Council;
  - (ii) any Sub-Committee established by a Committees referred to in (i) above; and



(iii) the Health and Wellbeing Board established under Section 194 of the Health and Social Care Act 2012 except where different provision is lawfully made in the Health and Wellbeing Board's Constitution set out in Annex 11A of the Constitution;

but does not include the LGPS Access Joint Committee or an Overview and Scrutiny Committee established under the Local Government Act 2000;

- (d) "Councillor" means a councillor who is a member of the Council;
- (e) "Independent Member" means, in the case of the Audit Committee, a non-voting member of that committee who is not a Councillor. References to Co-Opted Member generally in this Constitution shall apply equally to Independent Members.
- (f) "Local Councillor" means, in relation to proposal, item on the agenda for a meeting or petition, the Councillor representing an electoral division affected by the proposal, agenda item or petition;
- (g) "member" means a member of the relevant Committee
- (h) "Mobile device" means a mobile phone, tablet, portable computer or other mobile electronic device
- (i) "Political Group Spokesman" means the Spokesman for any Political Group represented on the Committee