PART 4

RULES OF PROCEDURE

STEVENAGE BOROUGH COUNCIL

GENERAL STANDING ORDERS

STEVENAGE BOROUGH COUNCIL

S T A N D I N G O R D E R S

	COMPLIANCE WITH STANDING ORDERS	D	6
Part 1 – Council Meetings			
Standing order			
2.	Meetings	D	7
3.	Chairing Meetings	D	7
4.	Leadership of the Council/Leadership of political groups and Opposition	D	8
5.	Quorum	D	8
6.	Council Meetings	D	9 - 11
7.	Motions and Amendments which can be moved without Notice	D	11 – 12
8.	Minutes	D	12 – 13
9.	Community Presentation	D	12 – 13
10.	Budget and Council Tax Setting Debate	D	13 – 14
11.	Petitions and Deputations	D	14 – 16
12.	Questions from the Youth Council	D	16 – 17
13.	Questions from the Public	D	17 – 18
14.	Leader's Updates	D	18
15.	Motions subject to notice	D	18 - 20
16.	Questions to Committee Chairs or Cabinet Members	D	20 – 21
17.	Updates from Scrutiny Chairs	D	21
18.	Matters referred from the Cabinet or a Committee	D	21
19.	Rules of Debate	D	21 – 25
20.	Conduct	D	26
21.	Rescinding an Earlier Resolution	D	26
22.	Voting	D	26
23.	Inspection of Minutes	D	26 - 27
24.	Agenda and Reports	D	27
25.	Attendance of the Press and Public at Meetings/Recording of Meetings	D	27
26.	Disclosure	D	27
27.	Appointment of Committees	D	27 - 28
28.	Substitutes	D	28 – 30
29.	Casual Appointments	D	30
30.	Amendments to Standing Orders	D	30
31.	Suspension of Standing Orders	D	30
32.	Disturbance by Members of the Public	D	30
33.	Adjournment of Meeting	D	30
34.	Adjournment of Debate	D	30
35.	Interpretation of Standing Orders	D	31
36.	Record of Attendance	D	31

Part 2 – General			
Standing order			
37.	Code of Conduct for Members	D	32
38.	Register of Members' Interests	D	32 – 33
39.	Urgency Procedure Arrangements	D	33 – 35
PART 3 – Committees – General			
Standing order			
40.	Application	D	36
41.	Meetings	D	36
42.	Other provisions	D	36 – 37
43.	Chairs and Vice-Chairs	D	37 – 38
44.	Quorum	D	38
45.	Co-opted Members	D	38
46.	Voting	D	39
47.	Conclusion of Meetings	D	39
48.	General Conditions of Delegations	D	39
	Appendix A - Protocol for Members of the public wishing to report on meetings of Stevenage Borough Council	D	40
	Appendix B - Stevenage Borough Council Petition Scheme	D	41 – 44
	Appendix C – Hertfordshire Growth Board	D	45 – 68

STEVENAGE BOROUGH COUNCIL

STANDING ORDERS

1. COMPLIANCE WITH STANDING ORDERS

Every meeting of a body formally established by the Council and both Members and officers shall comply with these Standing Orders and the Council's Constitution.

Copies of the Council's Constitution, including these Standing Orders, shall be made available to every elected Member upon their signing the 'declaration of acceptance of office' and to co-opted Members upon their appointment.

These Standing Orders should be read in conjunction with the remainder of the Council's Constitution.

PART 1 – COUNCIL MEETINGS

2. Meetings

The Annual Meeting of the Council and all ordinary meetings of the Council shall be held at the Council Offices. Subject to any legislative requirements, the meetings shall be held on dates and times in accordance with a programme of meetings approved annually. The Annual Council meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years.

The Chief Executive (in consultation with the Mayor) may alter the date, time or place fixed for the holding of a meeting where he/she considers that a material change in circumstances makes it necessary.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

a. The Council by resolution;

b. The Mayor;

c. The Monitoring Officer; and

d. Any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Meetings summonsed under these provisions will be called extraordinary meetings. Such extraordinary meetings shall be held at 7.00pm or fifteen minutes after the end of any other meeting taking place that evening, or at such other reasonable time as the Mayor or five Members concerned may determine.

The Chief Executive will give notice to Members and the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence.

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

3. Chairing Meetings

Any power or duty which the Mayor has for conducting a Council meeting can be exercised by the Deputy Mayor or any other Member elected to chair a meeting in their absence.

4. Leadership of the Council/Leadership of political groups and Opposition

A Member of the Council will be elected by the Council as Leader at the post local election meeting (the first such appointment being made at Annual Council 2011).

The Leader's term of office is four years, subject to the postholder being re-elected as a Councillor (if necessary) or being removed from office.

The Leader must appoint a Deputy Leader who will hold office until the end of the term of office of the Leader, subject to being removed by the Leader.

The largest group in Opposition may choose two Members as Leader and Deputy Leader of the Opposition. In the event of there being no single largest Opposition Group the Leader of the Opposition shall be the Leader of the Opposition Group whose party achieved the largest percentage of votes across all Wards in the most recent Stevenage Borough Council Elections.

The political groups may each choose two Members as Leader and Deputy Leader of their group.

All the names when so appointed shall be notified to the Chief Executive for report to the Council.

5. *Quorum

No business can be dealt with unless there is a quorum of 10 Members present (one quarter of the Membership).

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below 10 Members the Mayor shall call a halt to business, and if a quorum is not formed within 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

a. a time fixed by the Mayor at the adjournment.

b. a time fixed by the Mayor during the following day, or as soon as possible thereafter; or

c. if no such time and date are fixed by the Mayor, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed must allow five clear days' notice to Members.

*Schedule 12, Local Government Act, 1972

6. Council Meetings

a. Annual Meeting of the Council

The order of business at the annual meeting will normally be as follows:

(i) apologies for absence and Declarations of Interest;

(ii) approval of Minutes;

(iii) to elect a Member as Mayor for the ensuing year;

(iv) to elect a Member as Deputy Mayor for the ensuing year;

(v) to appoint a Youth Mayor for the ensuing year;

(vi) if the office of Leader is vacant, to elect a Leader for a term of 4 years;

(vii) to note the appointment of the Leader and Deputy Leader of the Opposition and Leaders/Deputy Leaders of the minority groups;

(viii) to note the appointment of the Deputy Leader, Members of the Cabinet and the Portfolios allocated;

(ix) to note the discharge of Executive functions as directed by the Leader;

(x) to appoint at least one Overview and Scrutiny Committee and such other Committees/panels as the Council considers appropriate to deal with matters which are neither reserved to the Council for decision nor are Executive functions;

(xi) to consider any other business recommended by the Chief Executive and accepted by the Mayor as required to be considered before the next ordinary meeting.

b. Special Meeting(s) of the Council – Council Tax and Budget setting

The order of business at the Council Tax and Budget setting special meeting(s) will be:

(i) to elect a Chair if both the Mayor and Deputy mayor are absent;

(ii) to receive any apologies for absence and Declarations of Interest;

(iii) to deal with any business required by law to be dealt with first;

(iv) to agree the Minutes of the last meeting and sign them;

(v) to deal with any other business required by law;

(vi) to deal with the Budget setting or Council Tax setting debate, as appropriate (Standing Order 10).

c. Ordinary Meetings of the Council

The order of business at ordinary meetings will be:

(i) to elect a Chair if both the Mayor and the Deputy Mayor are absent;

(ii) to receive any apologies for absence and Declarations of Interest;

(iii) to deal with any business required by law to be dealt with first;

(iv) to agree the Minutes of the last meeting and sign them;

(v) to deal with any other business required by law;

(vi) to receive any communications received by the Mayor which he/she wishes to draw to Council's attention;

(vii) to deal with any business remaining from the last meeting;

(viii) to deal with any Community Presentation, as appropriate (Standing Order 9);

(ix) to receive any petitions/deputations (Standing Order 11);

(x) To deal with any questions from the Youth Council (Standing Order 12);

(xi) to deal with any questions from the public (Standing Order 13);

(xii) to receive the Leader's updates (Standing Order 14).

(xiii) to receive an update from each of the Chairs of the Council's Scrutiny Committees on activities undertaken since the last meeting (Standing Order 17);

(xiv) to deal with motions submitted with notice (Standing Order 15);

(xv) to deal with questions to Committee Chairs or Cabinet Members from Members (Standing Order 16);

(xvi) to deal with reports from the Cabinet, the Council's Committees, and other Committees as may be appropriate;

(xvii) to deal with reports from officers;

(xviii) to deal with any other business specified in the summons.

Alterations to order of business

The order of business shown at items (v) to (xvii) can be changed by the Mayor or by a motion passed without discussion. This motion need not be in writing and advanced notice is not required.

7. Motions and Amendments which can be moved without Notice

The following motions and amendments can be moved without notice unless specific alternative provisions are set out elsewhere in Standing Orders:

a. nominating a Chair of the meeting;

b. about the accuracy of the Minutes;

c. referring an issue to an appropriate body or individual;

d. changing the order of business under Standing Order 6c;

e. election of a Leader if that post is vacant.

f. appointing a Committee or Member arising from an item on the summons for the meeting;

g. that an item of business that does not appear on the agenda is referred to the next ordinary meeting;

h. that a deputation or petition of the Cabinet is received;

i. accepting recommendations from the Cabinet, a Committee or officers;

j. motions and amendments arising out of recommendations of the Leader, Cabinet, a Committee or officers;

k. motions arising from the presentation of a Petition or Deputation, or a question of which notification has been given under Standing Orders 12,13 or 16 the Leader's Update;

l. amendments to motions;

m. that an item of business is withdrawn;

n. closure Motions under Standing Order 19f;

o. to give the consent of the Council where its consent is required by this Constitution;

p. excluding the public and press under section 100(A) of the Local Government Act 1972;

q. to suspend a particular Standing Order;

r. that a Member named under Standing Order 20 is not heard or must leave;

s. recording the Council's appreciation, best wishes or condolence;

t. about the constitution of Committees;

u. that a matter raised by a deputation or petition or arising out of a question from the Youth Council, the public or a Member is referred to the Cabinet, an appropriate Committee or other authority;

v. seeking clarification as to the Mayor's ruling on a matter relating to the Conduct of Council Meetings and the application of any particular Standing Order relating thereto as provided for under Standing Order 34:

w. that a motion moved under Standing Order 15 be dealt with at the meeting at which it is proposed.

8. Minutes

a. The Minutes of proceedings of each Council meeting will be drawn up and printed and a copy made available to each Member before the next ordinary meeting of the Council at which they are submitted for approval.

b. No discussion shall take place upon the Minutes, except upon 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 shall sign the Minutes.

*c. Where in relation to any meeting of the authority the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of paragraph 41(1) and (2) (Signing of Minutes) of that Schedule.

*Mandatory Standing Order; Local Authorities (Standing Orders) Regulations, 1993

9. Community Presentation

9.1 At the discretion of the Mayor and subject to availability on the agenda, there may be a presentation on a matter of interest to the community (Community Presentation) at any ordinary meeting of the Council.

9.2 The Chief Executive may recommend to the Mayor whether to include the Community Presentation on the agenda or refer to another Committee.

9.3 The Council may receive a presentation, relevant to the subject matter of the debate may be, from a Councillor, officer and or other invited person(s)

(i) if the presentation is from a Councillor or officer, it should last no longer than 10 minutes.
(ii) if another person or persons are making the presentation it should last no longer than 20 minutes.
(iii) collectively no Community Presentation should last longer than 30 minutes. c. At the Mayor's discretion Councillors and members of the public may ask questions of those providing the, or comment on the content of the, presentation subject to a maximum time allowance for questions of 20 minutes.

9.4 No Councillor or member of the public is permitted to speak for more than three minutes.

9.5 No debate or vote will take place on the content of the Community Presentation (not being a motion before Council).

9.6 The presentation is not subject to any other rules of debate as provided for within this Constitution.

9.7 The Mayor may exercise their discretion to cease the Community Presentation with immediate effect if the above provisions are not complied with and the Community Presentation deviates from the agreed subject.

10. Budget and Council Tax Setting Debate

At the special meeting of the Council where the Council Tax is to be set, this shall be the sole subject of the debate.

a. The Mayor will call upon the Leader of the Council (or her/his nominee) to move the formal motion setting the Council Tax and setting the budget. The combined speaking time for the Leader's (and/or his/her nominee's) speech is not time-limited.

b. The seconder of the motion, the Leader of the Opposition and the Leaders of any minority opposition groups shall be allowed to speak for up to 6 minutes. All other speakers are allowed up to three minutes. No-one other than the mover of the motion may speak more than once.

The mover of the motion may only speak again as a right of reply (6 minutes).

c. Any amendments to the Budget Motion recommended by the Cabinet must be received by the Constitutional Services Manager no later than 12 Noon on the Friday of the week before the date of the Council Tax/Budget Setting Special Council Meeting.

d. At the Mayor's discretion members of the public may ask questions or make statements in relation to the subject matter of the main debate. No Member of the public may speak more than once and no speech shall last longer than three minutes.

11. Petitions and Deputations

a. Petitions

(i) The provisions of the Council's Petition Scheme (Appendix B) apply.

(ii) In accordance with the provisions of paragraph 20 of the Petition Scheme, where a petition has been submitted and contains 1000 signatures or more, if it is considered appropriate it will be debated at Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting or is excluded from the Scheme as it relates to a Planning or Licensing matter).

(iii) The Petition will be included on the agenda for the next ordinary meeting of the Council.

(iv) The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be open for general discussion by Councillors for a maximum of 15 minutes. However, in the event that a Motion is moved and seconded the rules of debate will apply (see Standing Order 19).

(v) By way of a Motion being carried the Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

(vi) Unless dealt with by way of a motion, the petition will thereafter be referred by the relevant Strategic Director who will consult with the Cabinet Member who has responsibility for the matter concerned to establish what action should be taken.

(vii) The petition organiser will receive written confirmation of any decision taken. This confirmation will also be published on our website.

(viii) The Mayor may decide that no petition shall appear before Council within six months after a deputation or petition has appeared before it

with the same or like objective; or to accept a petition at Council that has less that the 1000 signatures, in which case paragraphs (iii) – (vii) above apply.

(ix) If a petition regarding a planning application which is contrary to the Officer's recommendation then the application will be considered by the Planning Committee, subject to other requirements of the Council's Constitution. Where the application is referred to the Planning and Development Committee, the lead petitioner or other nominated person, will be given five minutes about the application.

b. **Deputations**

(i) At any ordinary meeting of the Council any Member of the public may ask that a deputation be received addressing a matter for which the Authority has a duty, or which affects Stevenage, or part of it, or people who live or work in Stevenage.

(ii) A request shall be made in writing to the Constitutional Services Manager, by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates, setting out the subject matter of the deputation and the reason why the deputation should be received.

(iii) A deputation shall comprise no more than six persons and one spokesperson.

(iv) The Chief Executive shall decide which deputations will be presented to the Council following consultation with the Leader, Chair of the relevant Committee or relevant Cabinet Member. The title and subject matter of each deputation will be included on the agenda for Council. The agenda will also indicate which deputations will not be received, and the reason shall be briefly stated in each case.

(v) On being called by the person presiding, the spokesperson for the deputation may speak for up to three minutes addressing the subject matter of which notice has been given, provided that the remarks do not constitute a personal attack upon any person. The spokesperson will have no further right to speak.

(vi) After the deputation has been heard, the Leader, Chair of the appropriate Committee, relevant Cabinet Member or other nominated Member shall have the right to respond. The response shall be limited to no more than three minutes.

(vii) Subject to (viii) below, at the Mayor's discretion Members of the Council and/or members of the public may ask questions or make statements in relation to the subject matter of the deputation. No Member of the public may speak more than once and no speech shall last longer than three minutes.

(viii) In the event of a Councillor moving a motion in relation to the subject matter of the deputation, the normal rules of debate will apply (Standing Order 19).

(ix) Unless dealt with by way of a motion, the substance of the deputation will thereafter be referred to the Chair of the appropriate Committee, relevant Cabinet Member or to the relevant Strategic Director, if the matter can be dealt with under delegated powers. The Committee, Cabinet Member or Strategic Director shall provide a written reply, with details of any action proposed, to be sent to the spokesperson of the deputation.

(x) No deputation shall appear before the Council within six months after a deputation or petition has appeared before it with the same or like objective.

12. Questions from the Youth Council

a. At any ordinary meeting of the Council a Member of the Youth Council may ask questions which are relevant to some matter in relation to which the Authority has functions, or which affects Stevenage or part of it, or people living or working in the Borough.

b. Questions must be submitted to the Constitutional Services Manager in writing by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates.

c. The questions will be included on the agenda for Council. In the event that the Chief Executive decides that a question does not meet the criteria detailed in section a. above, the Youth Council will be informed that the particular question will not be included.

d. Questions contained on the order paper should not be read out by the questioner.

e. Answers will be given by the Leader, the relevant Committee Chair or Cabinet Member in writing and will be circulated at the meeting.

f. With the Mayor's permission the Member of the Youth Council may ask a supplementary question relevant to the original question (or its answer).

The questioner's supplementary question must not last longer than two minutes.

g. The answer to the supplementary question may be:

(i) an oral answer lasting no more than three minutes; or

(ii) where the desired information is contained in a publication of the Council, a reference to that publication; or

(iii) in writing (to be available within seven days); or

(iv) a combination of the above

h. At the Mayor's discretion Members of the public, or Members of the Council, may ask questions or make statements in relation to the subject matter contained in a written question. No Member of the public may speak more than once and no speech shall last longer than three minutes. The relevant Member's response shall last no longer than three minutes.

i. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

13. Questions from the Public

a. At any ordinary meeting of the Council a Member of the public may ask one question which is relevant to some matter in relation to which the Authority has functions, or which affects Stevenage or part of it, or people living or working in the Town. Questions will not be considered if the name and address of the questioner is not provided or if the question relates to a matter concerning service delivery to an individual person or household.

b. Questions must be submitted to the Constitutional Services Manager in writing by midday on the third clear working day prior to the despatch of the agenda for the Council meeting to which it relates.

c. The Chief Executive will decide which questions are to be asked at Council, following consultation with the Leader and Chair of the relevant Committee or relevant Cabinet Member. The Constitutional Services Manager will notify the individuals whether or not their question has been selected. The questions will be included on the agenda for Council. The agenda will also indicate which questions, of which notice has been given, will not be asked and the reason shall be briefly stated in each case.

d. A maximum of six questions will be allowed at each meeting. Questions contained on the order paper should not be read out by the questioner.

e. Answers will be given by the Leader, the relevant Committee Chair or Cabinet Member in writing and will be circulated at the meeting.

f. With the Mayor's permission the questioner may ask a supplementary question relevant to the original question (or its answer).

The questioner's supplementary question must not last longer than two minutes.

g. The answer to the supplementary question may be:

(i) an oral answer lasting no more than three minutes; or

(ii) where the desired information is contained in a publication of the Council, a reference to that publication; or

(iii) in writing (to be available within seven days); or

(iv) a combination of the above

h. At the Mayor's discretion Members of the public, or Members of the Council, may ask questions or make statements in relation to the subject matter contained in a written question. No Member of the public, other than a questioner, may speak more than once and no speech shall last longer than three minutes. The relevant Member's response shall last no longer than three minutes.

i. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

14. Leader's Updates

At all ordinary meetings of the Council:

a. The Leader of the Opposition shall have the right to raise one item relevant to the Borough that has arisen since the last meeting. He/she shall have the right to speak on the one topic for no more than six minutes.
b. The Leader of the Council may respond or nominate another Member to respond on her/his behalf (no more than 6 minutes collectively).

c. At the Mayor's discretion Members of the Council may ask questions or make statements in relation to the subject matter (no more than 2 minutes per person).

d. The Leader of the Council may speak to the Council about matters relevant to the Borough which have arisen since the last ordinary meeting. He/she shall have the right to speak for no more than six minutes on any one topic.

e. The Leader may call upon another Member to speak on a topic. That Member shall speak for no more than 2 minutes on any one topic.

f. Following each report the Leader of the Opposition shall have the right to speak on that topic (no more than 2 minutes per topic). Should he/she exercise this right the Leader may respond (no more than 2 minutes per topic).

g. At the Mayor's Discretion other Members of the Council may ask questions or make statements (no more than 2 minutes) in relation to the individual matters raised and the Leader may respond (no more than 2 minutes).

15. Motions subject to notice

a. Motions under Standing Order 7 can be moved without notice.

b. Each Political Group is permitted to submit one written motion for debate at any ordinary meeting of the Council.

c. Written notice of any motion must be signed by the Member or Members giving the notice.

Notice must be delivered to the Constitutional Services Manager not earlier than 10 clear working days prior to the despatch of the agenda for the Council meeting and not later than midday on the third clear working day prior to the despatch of the agenda for the Council meeting.

Every motion must be about something for which the Council has a responsibility or which affects the Borough.

d. If it appears to the Constitutional Services Manager that a motion of which he/she has received notice is not in order, or is framed in improper or unbecoming language, he/she shall, in consultation with the Chief Executive and Constitutional Services , take the direction of the Mayor as to whether

and in what form it shall be placed on the agenda, and the decision of the Mayor, after consultation with the giver of the notice, shall be final.

e. A Member may only place one Notice of Motion on the agenda.

f. All motions for which notice has been given will be printed on the Council agenda in the order received unless a Member giving notice stated, in writing, that he/she proposed to move it at a later meeting or has since written to withdraw it.

g. Where a Motion relates to Council business i.e. is not Executive business or has been delegated by Council to another Committee, the matter will be considered at the meeting to which it has been submitted unless it has subsequently been withdrawn.

h. Where the Motion relates to Executive business or has been delegated to a Committee of the Council, any Member may, without notice, move a procedural motion to the effect that the motion detailed in the agenda is to be debated at the Council meeting. Where such a procedural motion has been moved and seconded, that motion will be put to the Council without debate and with the support of a simple majority of those present determine that a motion, detailed in the agenda, be dealt with at the meeting at which it is proposed.

i. With no such procedural motion being carried, once the motion detailed in the agenda is moved and seconded, there shall be no debate and the Motion shall stand referred to the Leader, Cabinet or such Committee as appropriate for consideration and decision.

j. In the event of a motion detailed in the agenda being debated at the Council meeting (i.e. the relevant procedural motion has been carried) the normal rules of debate apply subject to the Leader, Chair of the appropriate Committee or relevant Cabinet Member (or her/his nominee) having the right of reply at the close of any debate, immediately before the mover of the motion.

k. Any motion submitted under this Standing Order to change the agreed Budget and Policy Framework of the Council may be approved in principle only and will stand referred to the Leader / Cabinet (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.

l. Any motion submitted under this Standing Order that relates to Executive business or may be approved in principle only and will stand referred to the Leader / Cabinet (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon. The outcome of any such matter will be reported to next ordinary meeting of the Council.

m. Where a motion is referred to the Cabinet or a Committee, the Member moving it shall, if he/she is not a Member of that body, be entitled to attend the meeting to explain her/his motion.

n. The provisions of this Standing Order, where appropriate, apply to a Motion to remove the Leader from office.

16. Questions to Committee Chairs or Cabinet Members

a. At ordinary meetings of the Council a Member may submit one written question of a Committee Chair or Cabinet Member about something for which the Committee or Cabinet Member has a responsibility or which affects the Borough. Questions cannot be asked about subjects covered by Cabinet, Committee or officer recommendations appearing on the same agenda.

b. The question must be put in writing and given to the Constitutional Services Manager by midday on the third clear working day prior to the despatch of the agenda for the Council meeting. The questions will be included on the agenda for Council. Answers will be given by the Leader, the relevant Committee Chair or Cabinet Member in writing and will be circulated at the meeting.

c. With the Mayor's permission, the questioner may ask one supplementary question, related to the original (or its answer). A Member's supplementary question must not last longer than two minutes.

d. A Member who has been asked a question can decline to answer, or may name an appropriate person to answer for her/him.
The answer to the supplementary question may be:

i) an oral answer lasting no more than three minutes; or
ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
iii) in writing (to be available within seven days); or
iv) a combination of the above.

e. Normally every question must be asked and answered without discussion but, at the Mayor's discretion, there can be a discussion on the issue in question. Other than the questioner and the person answering the question, no-one shall speak more than once and then for up to two minutes only.

f. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 19).

17. Updates from Scrutiny Chairs

At ordinary meetings of the Council each Chair of a Scrutiny Committee may provide an update on the activities her/his Committee has undertaken since the last ordinary meeting. The Chair(s) may speak for up to five minutes.

18. Matters referred from the Cabinet or a Committee

The procedure for dealing with matters referred from the Cabinet or a Committee at Council meetings is set out below:

a. The relevant Chair or Cabinet Member (or her/his nominee) will move formally that the recommendation from the Committee or Cabinet;

b. The motion is to be seconded;

c. The normal rules of debate at Council meetings will then apply. Motions and amendments may be moved in accordance with Standing Order 19.

19. Rules of Debate

For the avoidance of doubt the rules in this Standing Order apply to all motions and amendments unless otherwise stated.

A motion or amendment cannot be discussed until it has been formally moved and seconded.

Any motion or amendment to change the budget and policy framework, and upon which no officer report has been submitted to Council, may only be carried 'in principle' unless the Chief Finance Officer confirms that he/she is content that any expenditure arising from the proposal can be contained within the Council's balances. Otherwise the matter will stand referred to the Cabinet (and subsequently considered by the Overview and Scrutiny Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.

a. **Motions**

(i) A Member can alter a motion of which he/she has given notice, if her/his seconder and the Council agree.

(ii) A Member can, without discussion, withdraw a motion with the permission of her/his seconder and of the Mayor. Unless this permission is refused, a Member cannot speak on the motion after the mover has asked permission to withdraw it.

(iii) Only one motion can be moved and discussed at a time apart from those referred to in Standing Order 19(e) below. No other motion can be moved until the motion under discussion has been dealt with.

(iv) A seconder of a motion may formally do so and then reserve her/his right to speak until later in the debate if they so wish.

(v) The Mayor can allow two or more motions to be discussed together, if he/she feels this will help business to be dealt with more efficiently. Every motion must be voted on separately.

b. **Amendments**

(i) An amendment must be relevant to the motion and must either:

- refer the subject under discussion to the Cabinet or a Committee, as appropriate, for consideration or reconsideration; or
- add words or leave out words (or a combination of the two)

Omissions or additions must not have the effect of nullifying the motion before the Council.

(ii) The Member seconding an amendment may formally do so and then reserve her/his right to speak until later in the debate if they so wish.

(iii) A Member can, without discussion, withdraw an amendment with the permission of the seconder and of the Mayor. Unless this permission is refused, a Member cannot speak about the amendment after the mover has asked permission to withdraw it.

(iv) Only one amendment can be moved and discussed at a time. No further amendment can be moved until the amendment under discussion has been dealt with.

However, the Mayor can allow two or more amendments to be discussed together, if he/she feels this will help business to be dealt with more efficiently.

Every amendment must be voted on separately.

(v) If an amendment is lost, other amendments can be moved on the original motion but must not be to the same effect as an amendment that has been lost. If an amendment is carried, the amended motion becomes the substantive motion and takes the place of the original. Amendments to the substantive motion may be moved but may not be to the effect of reverting to the original motion.

c. **Procedure**

(i) Members must refer to one another in meetings by their correct title of ‘Councillor’.

(ii) A Member can only speak about the matter under discussion or on a point of order, or in personal explanation.

(iii) Time Limits for speakers during debates, unless otherwise stated elsewhere in these Standing Orders are as follows:

- Mover of a motion – six minutes
- Seconder of a motion – four minutes
- Leader of the Council – four minutes
- Leader of the Opposition – four minutes
- all other speakers – three minutes
- right of reply – three minutes

(iv) A Member can only speak once on a motion except in the case of:

- speaking once on an amendment to the motion moved by another Member;
- moving a further amendment if the motion on which he/she last spoke has been amended;
- if her/his first speech was on an amendment moved by another Member, he/she can then speak on the original issue, whether or not the amendment on which he/she first spoke was carried;
- in exercise of a right of reply;
- on a point of order; or
- in personal explanation.

(v) The time allowed to debate motions is a maximum of 1 and ½ hours (90 minutes). At the expiry of the 90 minutes allowed for debating written motions the Mayor shall end any debate in progress at that time (whether or not all motions have been debated) and move that the question now be put to the vote.

Any motion not debated within the 90 minute time limit will fall.

d. **Rights of Reply**

(i) Subject to (ii) below, before a vote is taken on any motion or amendment, the mover of the (amended) motion shall have the right of reply before a vote is taken.

(ii) The mover of any closure motions shall have no right of reply before the vote on such motions is taken. However in the event of a motion to proceed to the next business being moved and seconded, the mover of the motion under debate may have a right of reply before this closure motion is voted upon.

e. **Other Motions**

When a motion is under debate, no other motion can be moved except to:

(i) Amend the motion (save the Budget Motion recommended by the Cabinet where amendments must be submitted in accordance with Standing Order 10 (d)).

(ii) Move a closure motion.

(iii) Move that a Member is not further heard.

(iv) Exclude the public and press under Section 100(A)(4) of the Local Government Act 1972.

(v) Move that a Member leave the meeting.

(vi) Move that the matter be referred back to the Cabinet or a Committee.

These motions can only be moved by Members who have not spoken on the motion under debate.

f. **Closure Motions**

At the end of any speech, a Member who has not spoken on the motion can move:

(i) That the Council proceed to the next business.

If this motion is seconded, unless the Mayor thinks that the matter merits more discussion, he/she will give the mover of the substantive motion a right of reply. The motion to proceed to the next business will then be voted on.

(ii) That the question is now put.

If this motion is seconded, the Mayor will first put to the vote the motion that the question be now put.

If this closure motion is carried whilst an amendment is being debated:

- the mover of the Motion shall have a right of reply
- the vote is then taken on the amendment
- debate may then continue on the substantive Motion.

If this closure motion is carried whilst a Motion is being debated

- the mover of Motion shall have a right of reply
- the vote is taken on the Motion
- Council proceed to next business

(iii) That the debate be adjourned.

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

(iv) That the meeting be adjourned.

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

g. **Point of Order**

A Member may raise a point of order at any time. The Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Standing Orders or an Act of Parliament. The Member must specify the way in which he/she considers it has been broken. The ruling of the Mayor on the matter may only be challenged in accordance with Standing Order 35.

h. **Point of Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on a point of personal explanation may only be challenged in accordance with Standing Order 35.

20. Conduct

a. When the Mayor stands during a debate any Member speaking at the time must stop talking and sit, and the Council must be silent.

b. If any Member persistently disregards the ruling of the Mayor by behaving irregularly, improperly or offensively or intentionally obstructs Council business, the Mayor or any other Member can move that the Member be not further heard. If the motion is seconded, it will be put to the vote without discussion.

c. If the Member continues to misbehave after a motion under paragraph (b) above has been carried, the Mayor will either:

(i) Move that '(the Member) leave the meeting' and put the motion without seconding or discussion, or

(ii) Adjourn the meeting for as long as he/she thinks necessary.

21. Rescinding an Earlier Resolution

Unless as a result of a recommendation of the Cabinet or a Committee:

a. A motion cannot be moved to rescind a Council decision made within the last six months;

b. A motion or amendment in similar terms to one which has been rejected in the last six months cannot be moved.

22. Voting

a. With the exception of voting on the Council Tax and budget setting voting shall be by a show of hands, unless at least ten Members present request a fully recorded vote. On receipt of such a request made before the item of business has been concluded, the individual votes of all Members seated in a seat reserved for Members shall be recorded in the following manner. The Chief Executive will call the name of each Member in turn and it will be recorded if he/she say 'Yes', 'No' or 'Abstain'. These details shall be recorded in the minutes.

b. When voting on Council Tax and Budget setting Motions and Amendments all votes shall be recorded as described in a. above.

+c. Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting.

*d. Decisions are to be made by simple majority voting.

e. In the case of an equality of votes, the Mayor shall have a casting vote whether or not he or she has voted previously on the matter.

f. Voting on appointments – where three or more persons are nominated for one position to be filled by the Council and of the votes given there is not an 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 shall be taken on those remaining and so on until a majority of votes is given in favour of one person. When voting, the names of each individual will be put to the Council in alphabetical order of the Members' family names.

+ Mandatory Standing order, Local Authorities Standing Order Regulations 1993

* Schedule 12, Local Government Act, 1972

23. Inspection of Minutes

Minutes of Council or Committee meetings must be available for inspection by any Member of the public at all reasonable times. Anyone may receive a copy at her/his own expense.

24. Agenda and Reports

Agenda and reports of any Council or Committee meeting, except those reports marked 'Part II – Confidential', must be available for inspection by Members of the public at all reasonable times. This should be at least five clear days before

meetings take place and for a month after they have taken place. Anyone may receive a copy of these agenda and reports at her/his own expense.

A reasonable number of agenda and reports, apart from those marked “Part II – Confidential”, must be supplied free of charge to Members of the public attending meetings.

25. Attendance of the Press and Public at Meetings/Recording of Meetings

The press and public will be admitted to all Council, Cabinet and Committee meetings subject to the Access to Information Rules in Part 4 of this Constitution, and to this Standing Order and Standing Order 31.

All matters considered by the Council and Committees during such time as they are not open to the public and press shall be regarded as confidential and not disclosed to any person until the Council has taken steps to make that business public.

Anyone who may attend a Council meeting may take written notes, film, audio-record, take photographs and use social media to report on meetings as they are taking place. However, in the event that Mayor considers that someone undertaking these activities is acting in a disruptive manner Standing Order 31 will apply.

26. Disclosure

A Member shall not disclose to any person any papers, business or other information of the Council or Committee indicated to be confidential unless:

a. The Council, Cabinet or the Committee has taken steps to make that business public; or

b. The relevant Chair expressly consents; or

c. The law requires.

27. Appointment of Committees

At the Annual Meeting, the Council will appoint the Committees of the Council.

At any time it can appoint further Committees necessary to carry out the work of the Council. The term of office of each Committee runs until the next meeting of the Annual Council. However, no Member appointed to serve on a Committee may do so after their personal term of office as a Councillor is over.

Where the Council has established a Committee, Council can dissolve, change the name or its Membership at any time.

28. Substitutes

a. A Councillor who is unable, for whatever reason, to attend a meeting to which this Substitution Scheme applies ("the Regular Councillor") and wishes another Councillor to attend the meeting in their place must inform the leader of their Political Group (and any references in this Scheme to a Political Group Leader shall include a Deputy Political Group Leader) who may then give notice to the Constitutional Services team on a prescribed form ("a substitution request") requesting that the Regular Councillor be replaced in relation to the meeting by another Councillor who is a member of the same Political Group ("the Substitute"). The substitution request must name the proposed Substitute and it is the responsibility of the Political Group Leader to check that the proposed Substitute is available and willing to act as Substitute.

b. A substitution request must be received by the Constitutional Services no later than 1 hour before the time fixed for the start of the meeting.

c. On receipt of a substitution request the Constitutional Services Manager may appoint the councillor named as proposed Substitute as the Substitute for the meeting concerned. The Constitutional Services Manager (or nominated Constitutional Services Officer) would then issue a formal notice to that effect (a substitution notice) which would be sent to the regular Councillor, the Substitute and the relevant Political Group Leader.

d. Once issued, the effect of a substitution notice will be that the Regular Councillor will cease to be a member of the committee for the duration of the relevant meeting (and any adjournment of that meeting) and the Substitute will become a member of that committee.

e. Subject to f. below, a substitution notice may be revoked by the Constitutional Services Manager at the request of the Political Group Leader who requested its issue without prejudice to the issuing of a new substitution notice.

f. A substitution notice may not be revoked after 3pm on the second working day before the day of the meeting.

g. If the Substitute is a Chair or Vice Chair of another committee the Substitute will only sit as an ordinary Councillor and not take the role of Chair or Vice Chair, although the Substitute would be eligible to be elected Chair if both the Chair and Vice Chair were absent.

h. Subject to i. below, this Substitution Scheme applies to:

   (i) the Overview and Scrutiny Committee ("O&SC")

   (ii) Community Select Committee ("CSC")

   (iii) Environment and Economy Select Committee (E&ESC)

   (iv) Standards Committee

(v) Audit Committee

(vi) Appointments Committee

(vii) Statement of Accounts Committee

(viii) Joint Consultative Committee

i. This Substitution Scheme shall not apply to the following **Regulatory Committees** except as provided in Paragraphs j. to o. below.

(i) Planning and Development Committee

(ii) Licensing Committee

(iii) General Purposes Committee

j. In the case of a Regulatory Committee, named Councillors will be appointed by the Full Council as substitute members ("Named Substitutes"). If the Constitutional Services Manager is satisfied that a member of a Regulatory Committee is unable to attend a meeting for whatever reason, the Constitutional Services Manager may issue a substitution notice appointing a Named Substitute in relation to the meeting. Such a substitution notice shall have the same effect as if issued under Paragraph d. above.

k. If the Constitutional Services Manager is satisfied that a member of a Regulatory Committee is unable to attend a meeting for whatever reason, but a Named Substitute is not available to attend the relevant meeting, the Constitutional Services Manager may issue a substitution notice appointing a Substitute in relation to the meeting who is not a Named Substitute. Such a substitution notice shall have the same effect as if issued under Paragraph d. above.

l. A substitution notice issued in relation to a Regulatory Committee under either Paragraph j. or Paragraph k. above may be revoked by the Constitutional Services Manager subject to Paragraph f. above which shall apply.

m. Paragraph g. above shall apply to a substitution notice issued in relation to a Regulatory Committee under either Paragraph j. or Paragraph k. above.

n. A Councillor may not be appointed by a substitution notice issued under Paragraph j. or k. above unless that Councillor has complied with the same requirements in relation to training as is required of the regular members of the Regulatory Committee.

o. A Councillor may not be appointed by a substitution notice issued under Paragraph 3 in relation to O&SC, CSC and E&ESC, if that Councillor is a member of the Cabinet.

29. Casual Appointments

The Chief Executive, or in her/his absence the Constitutional Services Manager, will fill casual vacancies to Committees, but not the Cabinet, following the receipt of written instructions from a Group Leader (or in her/his absence, from a named alternative).

30. Amendments to Standing Orders

A motion to amend any or all of these Standing Orders, when proposed and seconded, must be adjourned without discussion to the next ordinary meeting where an accompanying officer report will be considered. This Standing Order does not apply to a general review of Standing Orders or the Constitution as a whole.

31. Suspension of Standing Orders

Any Standing Orders, except those marked * or + which are mandatory, can be suspended for business at the meeting at which suspension is moved.

A motion to suspend Standing Orders cannot be moved without notice unless at least half the Members are present. To be carried the motion must have received the support of more than half of the Members present.

32. Disturbance by Members of the Public

If a Member of the public interrupts the proceedings at any meeting, the Mayor will warn her/him. If he/she continues to interrupt, the Mayor will order her/his removal from the Council Chamber. If there is general disturbance in any part of the Council Chamber open to the public, the Mayor will order that part to be cleared or adjourn the meeting in accordance with Standing Order 33 below.

33. Adjournment of Meeting

The Mayor may, with the consent of the meeting, adjourn the meeting for such period as he/she considers expedient. A time for resumption, if the meeting is to continue that day, shall be stipulated at the time of adjournment.

34. Adjournment of Debate

Upon the passing of a motion to adjourn the debate, consideration of the matter under consideration shall stand adjourned to the next ordinary or extraordinary meeting of the Council.

35. Interpretation of Standing Orders

The Mayor's ruling on the conduct of Council meetings shall be accepted but all such rulings are subject to the right of a Member to challenge the Mayor's ruling as to the application of Standing Orders. Any Member choosing to exercise this

right shall move a motion in accordance with Standing Orders 7 and 19, that the matter be decided by the Council.

36. Record of Attendance

Members attending a meeting must sign their names on the attendance sheet provided.

Their attendance will be recorded from these lists.

PART 2 – GENERAL

37. Code of Conduct for Members

In relation to meetings Members' must ensure that they comply with the Code of Conduct as set out in Part 5 of this Constitution, particularly in respect to the declaration of Disclosable Pecuniary Interests and other interests.

a. **Declaration of Disclosable Pecuniary Interests and Other Interests**

Members are required to declare Disclosable Pecuniary Interests and Other Interests, in accordance with the Code of Conduct as set out in Part 5 of this Constitution, at the beginning of each meeting or at the point at which they become aware that a subject matter in which they have such an interest is being considered.

Where a Member has a Disclosable Pecuniary Interest he/she is prohibited from voting or participating in discussions at the meeting.

For the purposes of clarification, 'meeting' in this context means any meeting of:

(i) The Council or any of its Committees, Sub-Committees, panels or Joint Committees etc.

(ii) The Cabinet or its Committees, Sub-Committees, panels or Joint Committees.

b. **Council Tax**

Any Member who has failed to pay any sum defined by Section 106 of the Local Government Finance Act 1992 in respect of council tax for at least two months and is present at any meeting at which any matter specified in Section 106(2) is under consideration shall, at the meeting and as soon as practicable after it has started, disclose the fact that Section 106 applies to them and shall not vote on any question with respect to the matter. Failure to do so is an offence under subsection (3).

38. Register of Members' Interests

A Member or Co-opted Member must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interests which the person has at the time when notification is given.

Members and co-opted Members entitled to vote must also within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

The Monitoring Officer must maintain a register of the Disclosable Pecuniary Interests and Other Interests financial and other interests specified in Part 3 of the Code of Conduct, which must be available for inspection by Members of the public at all reasonable hours.

39. Urgency Procedure Arrangements

a. Cabinet**, Committees, Sub-Committees**

Where an urgent matter is to be considered by the Cabinet (or any body appointed by the Cabinet) and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Executive Rules of Procedure, the Access to Information Rules and Overview and Scrutiny Rules.

Where an urgent matter is to be considered by a Committee, Sub-Committee or Panel and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Access to Information Rules.

b. **Key Decisions**

Where, because of the nature of the business, a key decision has to be taken urgently, it will be taken in accordance with the Executive Rules of Procedure, the Access to Information Procedure Rules and the Overview and Scrutiny Procedure Rules, as appropriate, and the following:

(i) If it is a matter the Leader has delegated to the Cabinet, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the Chief Executive or relevant Strategic Director, and Monitoring Officer. The Leader may consult the relevant Cabinet Member in this respect;

(ii) If it is a matter delegated by the Leader / Cabinet to another Committee, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the relevant Strategic Director and Senior Officers. The Leader may consult the relevant Cabinet Member/Chair in this respect;

(iii) Any other key decision which has to be taken urgently shall be taken by the person to whom it is delegated (which may be an officer – see scheme of delegation to officers at Part 3 of this Constitution) following advice from the relevant Cabinet Member(s), Members of Strategic Management Board and Monitoring Officer, and otherwise in accordance with the Executive Rules of Procedure, the Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules as appropriate.

c. **Non-Key Cabinet Decisions**

Where because of the nature of the business a decision (not being a key decision) has to be taken urgently and it cannot be left until the next scheduled meeting of the body delegated with the relevant power, it will be taken in accordance with the Access to Information rules and Overview and Scrutiny rules as appropriate and the following:

(i) The decision will be taken by the relevant Cabinet Member(s) following advice from the relevant Member of Strategic Management Board, Monitoring Officer and Senior Officers;

(ii) If it is a matter delegated by the Cabinet to another Committee it shall be taken by the Leader and following advice from the relevant Strategic Director, Monitoring Officer and Senior Officers. The Leader may consult with the relevant Cabinet Member/Chair in this respect.

d. **Other Decisions**

If it is a matter which has been delegated to a Committee of the Council, it shall be taken by the relevant Strategic Director. The Strategic Director may consult the Chair of the relevant Committee in this respect.

If it is a decision reserved for the Council, but not reserved by law, it shall be taken by the Chief Executive. The Chief Executive may consult the Mayor in this respect.

e. **Urgent decisions outside the Budget and Policy Framework**

Where it is necessary to take a decision which falls outside the Budget and Policy Framework, and it is not practical to convene a quorate meeting of the Council, it will be dealt with in accordance with the provisions for urgent decisions under the Budget and Policy Framework Procedure Rules. If for any reason the body or person to whom the decision is normally delegated is unable to take it, then it shall be taken by the Leader of the Council, and otherwise in accordance with the Budget and Policy Framework Procedure Rules and Access to Information Rules.

f. **Reporting of Urgent Decisions taken**

Where an urgent decision is taken in accordance with the above procedures, it will be reported as soon as practicable to the body otherwise delegated with the relevant power and the Council where required.

g. **Non-Key Decisions**

Cabinet Members are empowered to take non-key Cabinet decisions (including urgent non-key decisions) within their allocated portfolio responsibilities following advice from the relevant Strategic Director,

Monitoring Officer and Senior Officers and in accordance with the Access to Information Rules and Overview and Scrutiny Rules.

h. **Decisions on Local Community Budgets**

Where the Leader has delegated responsibility to Ward Councillors for decisions on expenditure of Local Community Budgets such decision making must be in accord with the provisions of the Council's Constitution, including the Access to Information Rules and Overview and Scrutiny Rules.

PART 3 – COMMITTEES – GENERAL

40. Application

Except where legislation provides otherwise or other specific provisions shown elsewhere in this Constitution, this section applies to the conduct of Council or Cabinet appointed Member-level bodies.

41. Meetings

a. Meetings will be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the minutes. (Local Government Act 1972, Section 100B(4)). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.

b. Failure to serve notice of a meeting on any Member of a Committee will not affect the validity of the meeting.

c. The Chair of a Committee or a quarter of the Members of the Committee may in writing cause extraordinary meetings to be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the Minutes. (Local Government Act 1972, Section 100B(4). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.

d. The instruction to the Chief Executive in (c) must specify the business to be dealt with. No other business can be considered at the extraordinary meeting.

e. Only extraordinary meetings can be held during the period between the fourth day after the ordinary day of election of Councillors and the date of the Annual Council Meeting.

Notwithstanding these provisions, all other procedure rules set out in this Constitution and provisions in the Articles set out in Part 2 also apply, as appropriate.

42. Other provisions

The following Standing Orders from Part 1 (Council Meetings) and Part 2 (General) shall apply to these bodies, allowing that 'Mayor' shall be substituted by 'Chair' or person presiding, as appropriate.

The Planning and Development Committee has its own committee procedure rules which is set out at paragraph 49 below.

19 Rules of Debate except the following:

c (iii) Length of Speech

c (iv) Speaking only once

20 Conduct

22 Inspection of Minutes

23 Agenda and Reports

24 Attendance of Press and Public

25 Disclosure

29 Suspension of Standing Orders

30 Disturbance by Members of the Public

31 Adjournment of Meeting

32 Adjournment of Debate

33 Interpretation of Standing Orders

34 Record of Attendances

35 Interests to be declared at Meetings

37 Urgency Procedure Arrangements

43. Chairs and Vice-Chairs

a. Cabinet -The Leader and Deputy Leader will be the Chair and Vice-Chair respectively of the Cabinet.

b. Committees of the Council - The Chair and Vice-Chair for the Municipal Year of each Committee of the Council shall be appointed by the Council at the time of the Committee's appointment. In the event of one of these positions falling vacant, the matter shall be reported to the next ordinary Council meeting.

c. In the absence of a Council-appointed Chair or Vice-Chair at a meeting, the Committee shall elect a person to preside from amongst its voting Members. The person so elected shall preside for the remainder of the meeting unless

the Council-elected Chair or Vice-Chair arrive. If the Council elected Chair and Vice-Chair are absent and the Committee fails to elect a Chair for the meeting, the meeting shall be adjourned.

d. Joint Committees:

(i) The Chairs and Vice-Chairs of Joint Committees shall be elected at the first meeting of each Committee following its appointment. The first meetings may be held following the Stevenage Borough Council Annual meeting or at some other time after they have been appointed.

(ii) The Chair and Vice-Chair will be chosen from amongst the Stevenage Borough Councillors or the appointed representatives of other authorities represented on the Committee and in accordance with any detailed protocols agreed by the constituent Councils.

In the absence of a duly appointed Chair or Vice-Chair at a meeting, the protocols agreed by the constituent Councils will apply.

44. Quorum

Except where authorised by statute and ordered by the Council, no business will be transacted at a meeting of the Cabinet or a Committee (or any subsidiary bodies) unless at least one quarter of the body is present but with a minimum of three Members being present where the composition of the body is less than 12.

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below the quorum the Chair shall call a halt to business, and if a quorum is not formed within 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

a. A time fixed by the Chair at the adjournment; or

b. A time fixed by the Chair during the following day; or

c. If no such time and date are fixed by the Chair, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed to allow five days notice to Members, urgency provisions notwithstanding.

45. Co-opted Members

All the provisions of these Standing Orders which govern the conduct of Members at Committee meetings will apply to the co-opted Members as they do

to the other Members of the Committee (with the exception of Standing Order 46 (Voting)).

46. Voting

Voting at Committee meetings shall be by show of hands.

a. Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting *

b. Decisions are to be made by simple majority voting. In the case of an equality of votes, the Chair shall have a casting vote whether or not he/she has voted previously on the matter *

Voting on Appointments – where three or more persons are nominated for one position to be filled by the Council, and of the votes given there is not an 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 shall be taken on those remaining and so on until a majority of votes is given in favour of one person. For each vote taken the names of the nominees should be called in alphabetical order.

*Mandatory Standing Order, Local Authorities (Standing Order) Regulations, 1993

47. Conclusion of Meetings

Every meeting of the Cabinet, a Committee (or subsidiary body) shall finish by 10.30pm. Any remaining business may be dealt with by:

a. Carrying it forward to the next Ordinary meeting of the Committee; or

b. Such other way as the Committee shall decide.

48. General Conditions of Delegations

Duties of the Cabinet or where powers and duties have been delegated by Council to a Committee (or subsidiary body), can be delegated by that body, to an appropriate officer, unless they are subject to special provisions for delegations in relation to the Cabinet.

49. Planning and Development Committee Procedures

Reference to the Chief Planning Officer is also a reference to an officer who is representing them at the committee meeting. This will normally be the Director of Planning and Regulation.

Format of committee agenda

The Committee's agenda may contain the following parts for planning reports:

A. Development presentations: to enable the Committee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not attract public speaking rights.

B. Applications for decision: these items attract public speaking rights.

C. Other planning matters: non-application matters that require Committee consideration. These items do not attract public speaking rights.

Format of committee procedures

The procedure for considering the items on each part of the agenda are set out below. Reference to the Chief Planning Officer is also a reference to their representative at the committee. This will be the Director of Planning and Regulation or their substitute (Head of Planning and Enforcement).

Development presentations (Pre-applications Only)

The procedure for considering each item shall be as follows:

- The Chief Planning Officer will introduce the main issues;
- The developer will present their scheme for no longer than 20 minutes unless the Chair, exercising their discretion, has allowed a different period;
- Through the Chair, Committee members ask questions of the developer; and
- The Chief Planning Officer will summarise the issues raised by the Committee which will form the minute for the item.

Applications for decision

The procedure for considering applications where there are public speakers shall be as follows:

- The Planning Officer will introduce the development the subject of the application, including an overview of the main issues;
- Public speaking will take place
- The Planning Officer will, where necessary, address any issues raised during public speaking; and

- Through the Chair, Committee members may ask questions of clarification;
- The Committee will consider the item and reach a decision.

The procedure for considering applications where there are no public speakers shall be as follows:

- If requested by the Chair, the Planning Officer will present the main issues; and
- The Committee will consider the item and reach a decision.

Other planning matters

The procedure for considering any item shall be as follows:

- If requested by the Chair, the Planning Officer will present the main issues; and
- The Committee will consider the item and, if required, reach a decision

Format of committee recommendations

The recommendations in reports to Committee will not set out the full wording of planning conditions, informatives and planning obligations, (or reasons for refusal, where that is the recommendation) but comprise a summary of them. There are two reasons for this:

- It communicates the details of the recommended decision more clearly to the Committee than many pages of detailed planning conditions etc; and
- There can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Strategic Planning Authority and/or the National Planning Case Unit) and something may arise which necessitates an amendment, a deletion or an addition.

Delegation to officers

It is the function of the Director of Planning and Regulation to communicate the detailed wording of Committee decisions to applicants.

Where the Committee determines an item on an agenda the Chief Planning Officer has delegated authority to:

- make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives and planning obligations or, if refused, the reasons for the decision);
- accept changes or amendments to the development; and
- consider the effect of any subsequent changes in legislation or policy;

prior to the decision being actioned, provided that the Chief Planning Officer is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee, nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

In the event of changes being made to an officer recommendation by the Committee (such as amending or changing the recommendation), the task of formalising the wording of those changes, within the substantive nature of the Committee decision, is delegated to the Director of Planning and Regulation.

Public speaking rules

People can only address the committee on items that are on the Applications for Decision part of the agenda. As stated above, other items on an agenda do not attract public speaking rights, except at the discretion of the Chair.

Subject always to the limitations below, for each planning application there are up to three separate speaking slots, in the following order, allocated to:

Objector(s) who have submitted a Planning Objection (as defined below) to the planning application. Only one objector can address the meeting for a maximum of three minutes each. Additional objectors who are wishing to speak at the Meeting will be at the discretion of the Chair.

The applicant or their agent/representative and supporter(s) – hereinafter referred to as the Applicant's slot. This slot will be allocated the same length of time as the Objectors' slot i.e. three minutes. The length of time maybe increased to a maximum of six

minutes if the Chair allows an additional objector to speak at the Committee Meeting, The Applicant's slot is for the applicant to decide how to use. If there are supporters wishing to address the committee, they must liaise with the Applicant.

Any Ward Councillor who has submitted a Planning Objection (as defined below) to the planning application. Up to two Ward Councillors can address the meeting for a maximum of Six Minutes Each. If such a Ward Councillor wishes to speak but is unable to attend the Committee, they may nominate a substitute Councillor to address the Committee on their behalf.

A Planning Objection is defined as a Public Access response, email, letter or petition that meets all the following requirements:

- it relates to and is in response to an application that has been publicised/advertised/notified by the Council;
- it is not anonymous and includes the person's name and postal address;
- it is from, or on behalf of, a person who lives at or operates from an address which is within the Council's administrative area;
- it is received by the Planning Service within the statutory consultation period (usually 21 days of the publication of the case in the weekly list of planning applications) or within any prescribed timeframes as part of any formal re-consultation process (between 14 and 21 days); and
- it raises objections that are material planning considerations and are related to the application and they have not been overcome by scheme amendment, imposing planning condition(s) or securing planning obligation(s).

Registering slots and attendance

If members of the public (objectors or supporters), applicants and agents or Ward Councillors wish to speak on an application on an agenda they must contact the Head of Planning and Enforcement (or Team Leader in their absence) by email (planning@stevenage.gov.uk) or by telephone (01438 242242). Registration of slots can only be taken after the publication of the agenda and by 2 working days prior the meeting. In doing so they must

provide their contact details and also outline (in writing) the points they wish to raise at the meeting.

On the night of the committee, members of the public (objectors or supporters), applicants and agents or Ward Councillors who have registered a speaking slot must register their attendance with the Committee Clerk in attendance at the meeting at least 15 minutes before the meeting starts.

Prioritisation

Where more than one Objector have registered to speak (subject to the agreement of the Chair) and the arrangements have not been resolved in advance, the Committee Clerk and / or an Officer in the Planning Service will inform the parties involved so that they can decide either who will address the committee or how they will divide up the allocated speaking slots. Objectors are expected to come to an agreement between themselves on this.

Where Objectors cannot come to an agreement, the chair will be notified of this through Democratic Services, and the Chair will decide who will be accorded the right to speak in each of the three-minute slots. Preference will normally be given to those who are potentially most affected by the development, which will usually be those living or operating closest to the application site. The Chair may take advice from officers in making this decision.

Where more than two Ward Councillors have registered to speak and the arrangements have not been resolved in advance, preference will be given to those members within whose ward the development is located or mainly located.

In both cases, to ensure the most efficient progress of Committee business on the evening, the decision of the Chair will be final and not be the subject of debate by the Committee.

Any Councillor who addresses the committee must declare, before making their speech, details of any material contact they have had with the applicant, agent, advisor, neighbour, objector or other interested party and whether the speech is made on behalf of such person(s) or any other particular interest.

Where the Applicant is the only speaker on an item recommended for approval, they would only be expected to take up their speaking slot if there was a material aspect of the recommendation that they disagreed with.

All those involved in public speaking are restricted to an oral presentation only. This means presentations and / or representations made by members of the public either in a written or digital format, will not be presented to the Planning and Development Committee as part of the officer's presentation. Therefore, the officers' presentation material is not available for use by public speakers.

See below under lobbying for advice about the distribution of additional material or information to Members of the Committee.

Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless invited to do so by the Chair.

Speaking Rights at adjourned meetings

Where an item is on an agenda and it has been deferred from a previous meeting, speaking will only be allowed in the following circumstances:

- Where substantive new material is being considered by the committee. Substantive new material is defined as material where officers have decided that consultation with the public on it is necessary.
- Where the matter is to be reconsidered for any other reason.

Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

For the avoidance of doubt, an item that has been deferred because members were minded to go against the officer recommendation and the Chief Planning Officer was unable to advise on grounds in the meeting or the decision constitutes a Departure and is therefore bringing a further report to the next available Committee setting out their advice, does not

require a second round of public speaking because this does not constitute substantive new material.

Varying Speaking Rights

At the discretion of the Chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant must be offered the same time to speak as the time offered collectively to Objectors.

Other procedural issues

It is vital that Members of the Committee understand what their role is and the parameters within which they must operate.

Their role is to determine the planning applications that are reported to them; they are planning decision makers. In carrying out that role they are governed by planning law, particularly s36(6) of the Planning and Compulsory Purchase Act 2004 which states that they must determine an application in accordance with the development plan unless there are good planning reasons to do otherwise. In effect, the purpose of a planning decision maker is to deliver the local plan.

This means that political matters must not be brought into the debate, only material planning considerations. Members are not there to represent their constituents. They represent the Council as a whole and they must make decisions in the public interest. This can extend beyond the vicinity of the development under consideration and in some cases encompass a very wide area, even the whole country if national considerations are raised.

Late material and other updates

It is common for material (such as late representations or consultee responses) to be received by the Planning Service after the close of the agenda. Where this material needs to be brought to the attention of the Committee so that it can be considered (i.e. where new matters are raised), it will be presented in the Addendum Report. It will comprise a summary of

what has been raised and be reported in the same way as representations are presented in the main Committee report.

The Addendum Report will contain the following:

- Pick up errors in a committee report that it is necessary to correct.
- Report any material received or identified since the close of the agenda which needs to be brought to the attention of the committee to enable them to consider/determine an agenda item.
- Set out any material changes to the details within the recommendation.

The practicality of producing such a report means that there must be a cut-off point for the receipt of late material by the Planning Service. This is noon (12pm) on the day before the meeting. Generally, material received after this time will not be reported to the Committee. The Chief Planning Officer has an absolute discretion in this regard.

Lobbying

Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments.

The distribution of such material should be done in advance of the meeting by either supplying it to the Planning Service, if it is written material and can be included in the Addendum Report, or otherwise by sending it direct to Councillors in advance of the meeting. Councillors' contact details are available from the Council's website. Anything sent to Councillors must also be sent to the Planning Service.

The deadline for the submission of late material (above) also applies to any lobbying material and where this has not been met, members of the committee will be required to not take such late material into account.

Withdrawn Agenda Items

If the Chief Planning Officer decides before the start of a meeting that an item that is on an agenda of the Committee should not be considered by the Committee, for whatever reason, they shall withdraw that item from the agenda. The committee will be informed of that in the Addendum Report, if possible, and at the start of the meeting. An explanation will be given for the reason the report is withdrawn from the agenda and, if possible, the expected date at which it will be reported again. That decision or the item will not be the subject of debate by the Committee.

Attendance During Committee

Where a decision is made on an agenda item, to be able to vote a Member of the Committee must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. This also applies when a matter is considered across two or more meetings because of a deferment, unless a decision is made to start the consideration of the matter afresh.

Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of debate by the Committee.

This does not apply to Development Presentations because no decisions are being made as they are part of an informal pre-application process, rather than the formal planning application determination process.

Duration of Meetings

Planning Committee meetings are subject to a guillotine that they should finish within 3½ hours of the time that the meeting was due to start (as listed on the agenda papers). An item started before the guillotine can continue to be considered for a further 30 minutes to enable it to be determined. The meeting must therefore not last for more than 4 hours.

Where a report has been placed on a Planning and Development Committee agenda but the meeting either fails to start to consider that item prior to the guillotine, or starts consideration before the guillotine but fails to complete determination of it within the additional 30 minutes, further consideration of

the matter will be suspended and it will be delegated to officers to determine in accordance with the recommendation set out in the report.

The meeting can only suspend these provisions if it does so by way of a resolution made prior to the guillotine and agreed on a majority vote. Generally, the committee would only suspend the guillotine for undetermined items with speakers and must not routinely suspend the guillotine.

Voting procedures

The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item.

The Committee will vote on the recommendation set out in the report, unless a motion has been made and seconded to defer consideration of an item (for example for a site visit or for further information/advice).

If a Committee Member wishes to amend the recommendation (such as an additional condition or a variation to a condition) they will need to move this, have it seconded and decided, prior to any vote on the recommendation. A recommendation cannot be changed (eg from approval to refusal) in this way.

For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour of it. In the event of an equality of votes, the Chair has an additional, unconstrained casting vote. This can be exercised irrespective of whether the Chair already voted.

Decisions contrary to the recommendation

A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded to go against their recommendation and can prepare their advice accordingly.

When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Chief

Planning Officer as to what form a new motion should take. That advice will be based upon the development plan, the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.

The solicitor advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.

Once the Committee has received the advice of the Chief Planning Officer they can proceed to a vote. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law, must be clear and convincing. The decision should take the form, 'That authority is delegated to the Chief Planning Officer to refuse planning permission for the following summary reasons:

If the Chief Planning Officer considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee setting out their advice.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

Decisions contrary to the development plan

The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application must be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Minister for Housing, Communities and Local Government (National Planning Casework Unit). Such a decision is referred to as a Departure.

If the recommendation in the officer report constitutes a Departure, the justification will be included in that report, and the necessary advertisement would have been undertaken.

If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the Chief Planning Officer) would constitute a Departure, the Chief Planning Officer shall so inform the committee. Further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee detailing the planning issues raised by such a decision. Any necessary advertisement of the application will also be undertaken.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law, must be clear and convincing.

Deferred Decisions

If the Committee decides to defer consideration of an item to a later meeting the following procedures shall apply depending on the reason for the deferment. At the time of deferral the Chair shall identify which procedure is likely to be followed at the deferred meeting.

If the Committee defers making a decision for further information (such as a site visit or for clarification of or further advice on a matter) or a minor change to the proposal (defined as a change that officers decide that consultation with the public on it is not necessary) then at the deferred meeting members of the Committee will effectively continue their consideration of the item. This means that:

- in line with the principle set out above under Attendance During Committee, only those Members present at the meeting when the matter was first considered, and at the deferred meeting may vote on the matter; and
- in line with the Public Speaking Rights set out above, a further round of public speaking will not be permitted at the deferred meeting.

If the limitations set out above result in the Committee not being quoruate (not enough members are present to hold a valid vote), then the procedures set out in the next paragraph shall apply.

If the Committee defers making a decision in order to seek substantive new material or a material change to the proposal (both defined as an addition or change that officers decide that consultation with the public on it is necessary) the Committee shall consider the item afresh at the deferred meeting. Officers will present the item in full, including the new material. Public speaking will be permitted in line with the Public Speaking Rights set out above. All Members present at the deferred meeting when the item is reconsidered may vote on it.

Committee Minutes

The minutes of the committee meeting will record:

- The councillors and officers present at the meeting.
- Any disclosures of interest made by councillors or officers.
- For each item, the identity of any public speakers and the decision.
- Where a decision goes against the recommendation, the reason(s) for doing so.
- Where a decision is deferred, the reason(s) for doing so.
- Details of any adjournment of the meeting, and the reason(s) for doing so;
- The use of the Chair's discretion to depart from Constitutional rules and procedures, and the reason(s) for doing so.
- The recorded vote in terms of those who voted for, against or abstained in respect to an officers recommendation.
- The time the meeting finished.

Site Visit Procedures

Site visits are for Members of the Planning and Development Committee to observe the site and gain a better understanding of the impact of the development. They are intended to:

- be a fact-finding exercise;
- let Members consider the proposed development in the context of the site;
- allow Members to ask officers questions of clarification about the development; and
- enable officers to point out relevant features and factors for consideration at the committee.

The merits or otherwise of the development must not be discussed at a site visit.

The decision whether to have a site visit is made by the Chair of the Planning and Development Committee, in consultation with the Chief Planning Officer. A request for a site visit should only be made by Members of the Committee:

- where the benefit is clear and substantial, and it is only likely to be so if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs and aerial photography, and the reasons why a site visit is considered necessary should be included in the request; and
- as early as possible in the life of the planning application to prevent delays to the determination of the application.

The request must be agreed by the Chair of the Planning and Development Committee, in consultation with the Chief Planning Officer.

A request for a site visit should not be made by Members of the Committee at the meeting.

A site visit will normally take place during normal business hours (see section 8.10 for more details) which will conclude consideration of the matter. An alternative date can only be arranged with the agreement of the Chair.

Attendance At The Site Visit

A site visit is not a part of the formal determination of the planning application and therefore the public attendance and speaking rights of the formal Planning and Development Committee do not apply. Site visits should only be attended by Members of the Planning and Development Committee and officers. The arrangements for site visits will not normally be publicised. The applicant, their agent(s) and third parties are not expected to be present. If such parties are present and they are interfering with the site visit process, the Chair shall decide how best to deal with the breach of procedures, including abandoning the site visit.

Where permission is needed to go onto private land, contact will be made by officers with the owner to facilitate access. The owner or their representative will only facilitate access and shall play no further role in the site visit.

Where the Chair of the Committee considers that there is information which cannot be provided by officers, which it is necessary to receive on site and which is only likely to be able to be provided by the applicant, their agent(s) or a third party, they will instruct officers to invite one representative of the required party to be present but only to present the information and answer any questions from Members, through the Chair, that relate to the information that officers are unable to provide. Once they have performed their role, they must leave.

Site Visits will only be conducted during normal business hours and so will exclude weekends, bank holidays or any other public holiday which may occur from time-to-time.

Conduct Of The Site Visit

The purpose, format, issues for consideration and standards of conduct should be made clear by the Chair at the outset and adhered to throughout the visit.

All Members attending the site visit should remain together as a group to ensure that they all receive the same information.

Officers will explain the submitted plans and proposals in relation to the site and any relevant neighbouring land. Members of the Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

Members should not hear representations by any party at the site visit. Where a Member is approached by the applicant or a third party, the party should be advised that they should make representations in writing to the authority and direct them to or inform the officer present.

Reporting On The Site Visit

An Officer from the Planning Service will must prepare minutes ofthe site visit and these minutes included in the Addendum Report to the Planning and Development Committee that subsequently considers the application. It should record:

- The date and time of the visit.
- The names of all present.
- A summary note of any questions asked by Members and the responses provided by officers (or others) during the visit so that all Members have the same information.

Technical Briefings

Technical briefings may be arranged for large or complex applications where the Chief Planning Officer considers that the Members of the Committee will be assisted by a briefing. The briefing may deal with the application as a whole or with specific issues only.

The purpose of technical briefings is to provide information to Members. Technical briefings are not an opportunity to consider the merits of the application. Members should not treat the technical briefing as an opportunity to debate the application ahead of the relevant Planning and Development Committee meeting, although Members can ask questions for information and clarification.

The briefing will be led by officers. External consultants engaged by the Council to advise officers may also attend.

Officers will generally invite the applicant and/or their advisors to attend the technical briefing, however, these technical briefings are not open to the applicant, members of the public or to objectors, unless they are invited by officers.

Minutes will be kept of technical briefings.

APPENDIX A: PROTOCOL FOR MEMBERS OF THE PUBLIC WISHING TO REPORT ON MEETINGS OF STEVENAGE BOROUGH COUNCIL

Members of the public are entitled to report on meetings of Council, Cabinet and Committees except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

It is permissible to leave recording equipment in the meeting unattended but recording must stop if at any stage the appropriate motion is passed to exclude the press and public.

Anyone present at the meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Other examples of disruptive behaviour which may result in an individual being asked to stop recording include:-

- excessive noise in recording, setting up, or re-siting during the meeting,
- intrusive lighting and use of flash photography;
- asking for people to repeat statements for the purposes of recording.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand. (Note: members of the public are free to leave the meeting whenever they choose).

Anyone attending a meeting is asked to advise Committee Services staff on 01438 242992, or email committees@stevenage.gov.uk that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone wishing to report on proceedings to an appropriate place from which to be able to report effectively.

In order to avoid accidents the Council regrets that it is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.

Please note that our committee rooms are WiFi enabled but the Council Chamber is not.

APPENDIX B: STEVENAGE BOROUGH COUNCIL - PETITION SCHEME

1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

   This acknowledgement will set out what we plan to do with the petition. Paper petitions can be sent to:

   The Constitutional Services Manager
   Daneshill House
   Danestrete
   Stevenage
   Herts,
   SG1 1HN

   Or by email to committees@stevenage.gov.uk

What are the guidelines for submitting a petition?

2. Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition -

   • It should state what action the petitioners wish the Council to take

   • the name and address and signature of any person supporting the petition.

3. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

4. The contact details of the petition organiser will not be published or included on the website.

5. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

6. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

7. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will contact you to explain the reasons.

What will the Council do when it receives my petition?

8. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

9. Petitions received will be forwarded to the relevant Strategic Director who will consult with the Cabinet Member who has responsibility for the matter concerned to establish what action should be taken.

10. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

11. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

12. If the petition needs more investigation, we will tell you the steps we plan to take.

13. If the petition concerns a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or concerns a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Your petition will be acknowledged and you will be informed why your petition will not be dealt with and what other steps you may wish to take.

14. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

15. To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

16. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

How will the council respond to petitions?

17. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition

- Referring the petition for consideration/debate at a meeting of the Council, Cabinet, Overview and Scrutiny Committee or other Committee of the Council
- Referring the matter to the relevant Portfolio Holder
- Undertaking research into the matter
- Holding an inquiry into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Writing to the petition organiser setting out the Authority's views about the request in the petition

18. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

19. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Council debates

20. If it is considered appropriate, or it contains 1000 signatures or more, a petition will be debated at Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all Councillors attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

21. Your petition may ask for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a Senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

22. If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a meeting of the Council's Scrutiny Overview Committee.

23. The Overview and Overview Committee may decide that it would be more appropriate for another officer to give evidence instead of an officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Constitutional Services Manager up to three working days before the meeting. You can do this by e-mail at committees@stevenage.gov.uk .

What can I do if I feel my petition has not been dealt with properly?

24. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It would be helpful if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

25. The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.

26. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Council.

27. Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

APPENDIX C: HERTFORDSHIRE GROWTH BOARD

HERTFORDSHIRE GROWTH BOARD - INTEGRATED GOVERNANCE FRAMEWORK

Hertfordshire Growth Board (**HGB**) is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference (**TOR**) (incorporated below) and a collaboration Memorandum of Understanding (**MOU**).

HGB is also in negotiation with HM Government to secure a Growth Deal which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement.

HGB comprises twelve local partners, namely the County Council, the Hertfordshire District and Borough councils[1] and the LEP. Its governance framework consists of the Board itself, with twelve members, supported by a Scrutiny Committee also of twelve members.

1. Hertfordshire Growth Board

Summary of Functions

1.1 HGB is established to ensure the effective coordination of strategic planning and delivery and to ensure that the objectives of a future Growth Deal for Hertfordshire are met.

1.2 HGB will also be responsible for the commissioning of projects funded by money provided through a Growth Deal, and for overall control of that programme of projects. For each individual project, HGB may act as lead, with budget responsibility; alternatively, it may appoint as lead a constituent council, who will be responsible for the delivery of that budget, under the oversight of the HGB. This shall also apply to circumstances in which funding is provided to the HGB by the member Councils or by other parties, such as the LEP.

1.3 HGB shall also support the development of local planning policy that promotes (1) the UK Government's stated aim of net zero carbon by 2050, and (2) constituent Councils' 2030 targets, and contributes towards

[1] **Hertfordshire County Council, Borough of Broxbourne Council, Dacorum Borough Council, East Hertfordshire District Council, Hertsmere Borough Council, North Hertfordshire District Council, St Albans City and District Council, Stevenage Borough Council, Three Rivers District Council, Watford Borough Council, Welwyn Hatfield Borough Council.**

biodiversity gain whilst embracing the changes needed for a low carbon world.

1.4 The Councils agree to delegate the exercise of their functions to the HGB to the extent necessary to enable the HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives. The Councils shall make the necessary changes to their respective schemes of delegation accordingly.

1.5 The HGB may further delegate to officers of the Councils.

1.6 The HGB will consider any reports and recommendations from the HGB Scrutiny Committee as appropriate.

1.7 The HGB shall develop its own Forward Plan.

Terms of Reference and Standing Orders

1.8 The HGB's Terms of Reference and Standing Orders are set out in Appendix 1 and the accompanying Annex.

2. HGB Scrutiny Committee

Summary of Functions

2.1 The HGB Scrutiny Committee has delegated authority to exercise the following functions:

a. Advise the HGB in connection with the achievement of the functions set out at paragraph 1 above;

b. Prepare and submit reports and/or recommendations to the HGB; and

c. Carry out all other statutory scrutiny functions in relation to the HGB.

Terms of Reference and Standing Orders

2.2 The HGB Scrutiny Committee's Terms of Reference and Standing Orders are set out in Appendix 2 and the accompanying Annex.

Appendix 1

TERMS OF REFERENCE OF THE HERTFORDSHIRE GROWTH BOARD

1. Parties

Hertfordshire County Council
Borough of Broxbourne Council
Dacorum Borough Council
East Hertfordshire District Council
Hertsmere Borough Council
North Hertfordshire District Council
St Albans City and District Council
Stevenage Borough Council
Three Rivers District Council
Watford Borough Council
Welwyn Hatfield Borough Council
Hertfordshire Local Enterprise Partnership (**LEP**)

2. Status

2.1 The Hertfordshire Growth Board (**HGB**) has been established by Hertfordshire County Council and the District and Borough Councils listed above. It is a joint committee of these Councils, established by the Councils under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

3. Membership

3.1 Twelve members, comprising one elected member from each Council (anticipated to be the Leader/Directly Elected Mayor of each Council) with full voting rights, and a member nominated by the LEP (anticipated to be the Chair of the LEP) who is a co-opted non-voting member. The elected members shall be obliged to have due regard to the representations made by the LEP member.

3.2 Each constituent council may appoint a substitute from time to time. The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.

3.3 The HGB, with the agreement of its members, may co–opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

3.4 The HGB may appoint representatives to other outside bodies of which the HGB has membership.

4. Functions

General Functions

4.1 The HGB has delegated authority to exercise the following functions:

a. Exercising strategic direction, monitoring, delivery and co-ordination of current and future Growth Board strategy, programmes and implementation of any Growth Deal Project;

b. Effective place leadership, ensuring that interests relating to spatial planning, economic prosperity, infrastructure provision, health provision, sustainability and climate change mitigation are effectively taken into account, coordinated and incorporated in place-making, in order to safeguard and maintain Hertfordshire's unique quality of life and prosperity;

c. Securing strategic collaboration and delivery across the councils and with the LEP in accordance with the policy objectives of the partner organisations;

d. Acting as the place leadership body for Hertfordshire that may act as a single voice to Government (and other national and sub-national bodies) on issues relevant to its ambit;

e. Coordinating the prioritisation of Growth Board funding from devolved and other funding sources for infrastructure schemes, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders;

f. Promoting and lobbying for Hertfordshire's interests and for funding;

g. Oversight, accountability for and prioritisation of the Growth Board Growth fund;

h. To bring together the work of the emerging South West Herts Joint Planning and North, East and Central Herts Joint Planning groups, ensure strategic infrastructure requirements are identified and fed into the Hertfordshire Infrastructure and Funding prospectus.

i. To maintain a current understanding of infrastructure needs through the Hertfordshire Infrastructure and Funding prospectus and other sources so key infrastructure priorities needed to support economic and housing growth can be determined

j. To maintain particular focus on the successful regeneration of Hertfordshire's New Towns, the health of Town Centres and development and delivery of new Garden Towns and Communities.

Specific Functions

4.2 The HGB also has delegated authority to:

a. Approve single position statements in relation to strategic Growth Deal issues;

b. Approve projects, including the allocation of project funding, which fall within the ambit of a future Growth Deal agreement;

c. Approve the major priorities under the auspices of a future Growth Deal;

d. Approve plans and strategies necessary or incidental to the implementation of a Growth Deal; and

e. Consider recommendations from the HGB Scrutiny Committee.

4.3 For the avoidance of doubt, the following non-executive and executive functions of the constituent Councils (and where applicable, the LEP) are excluded from the delegations to the HGB:

a. Statutory planning functions;[2]
b. Statutory housing functions;
c. Statutory functions relating to economic development;
d. Statutory highways and transport functions;
e. Matters incidental to the exercise of the above functions.

5. Professional and Administrative Support

5.1 Hertfordshire County Council shall act as the accountable body for the HGB in respect of financial matters and its financial procedure rules will apply in this context. It will provide Section 151 and Monitoring Officer roles to the Committee in accordance with its internal procedures.

[2] **This includes acting as Local Planning Authority on strategic planning matters, applications, approval and designation, consultations/referendums revocation (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders**

5.2 Hertfordshire County Council's Director of Finance (Section 151 Officer) will provide the HGB with quarterly financial reports for funding that has been allocated directly to Hertfordshire County Council as the Accountable Body. These reports will provide the HGB with an overview of the funds spent and funds committed against funds allocated.

5.3 For those programmes and funding streams where another local authority is the Accountable Body, the relevant Section 151 Officer will provide the financial and performance information to the County Council's Section 151 Officer, for integration into the quarterly reporting process.

5.4 Committee management and administrative support to the HGB will be provided by Hertfordshire County Council.

5.5 The lead role on projects shall be determined by the HGB, subject to the guiding principle that the lead council should normally be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead council will apply in respect of projects.

6. Standing Orders

6.1 The HGB will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

7. Advisory Sub-Groups

7.1 The HGB may establish Programme Boards/Advisory Sub-Groups to oversee specific work programmes or broader thematic areas as required. Programme Boards/Sub-Groups, reporting into the HGB, will be managed in accordance with separate terms of reference as agreed by the HGB.

7.2 The role, remit and membership of Programme Boards/Advisory Sub-Groups will be reviewed regularly to ensure they remain flexible to the demands of ongoing and new programmes of work.

8. Withdrawal

8.1 The firm intention is that HGB will continue until the programme is completed. Recognising the very serious implications of withdrawal from the HGB for the delivery of any Growth Deal programme, if a Council decides to withdraw from its role within HGB, it commits to sharing this with HGB members at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.

8.2 In all cases:

a. A minimum of six months' prior notice shall be given before withdrawal; and

b. Withdrawal shall take effect from the beginning of the financial year.

9. Costs

9.1 The costs of running the HGB will be funded from the HGB Growth Fund in combination with officer time contributions from constituent councils.

9.2 Each Council makes a legally binding commitment that, should it withdraw from the HGB, it shall pay all additional costs (such as increased project costs) that fall to be met by the other partner Councils that are reasonably attributable to that withdrawal. This could include, for example, the costs that are locked into projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.

10. Dispute Resolution

10.1 This section 10 governs disputes which may arise between the members and former members (including the LEP member, but not including any other co-opted member) in relation to these Terms of Reference or the Standing Orders of the HGB, or the decisions or operations of the HGB (a **Dispute**).

10.2 Each member as defined in paragraph 10.1 shall be entitled to refer a Dispute to the Heads of Paid Service of the member Councils and the Chief Executive of the LEP (together the **Dispute Panel**), who shall seek to agree a resolution. If the Dispute Panel is unable to resolve the matter within 1 month of it being referred to them, it shall agree any further dispute resolution procedure that it deems appropriate. This may include but is not limited to mediation via the Centre for Effective Dispute Resolution (CEDR).

Annex A to Appendix 1

HERTFORDSHIRE GROWTH BOARD STANDING ORDERS

1. Membership

1.1 The HGB will have a voting membership of eleven, each Council being entitled to appoint one voting member.

1.2 The HGB may agree to co–opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

2. Alternate or Substitute Members

2.1 Each Council will be entitled to appoint from time to time one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.

2.2 The LEP and any other co-opted members will be entitled to nominate an alternate or substitute member to act in the absence of their principal co-opted member.

2.3 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

3. Term of Office

3.1 The term of office of voting and alternate or substitute voting members shall end:

a. if rescinded by the appointing Council; or

b. if the member ceases to be a member of the appointing Council.

3.2 The LEP member and any co-opted members may at any time ask the HGB to replace their nominated co-opted member and alternate or substitute member by way of further nomination.

4. Appointment of Chair and Vice-Chair

4.1 The HGB shall appoint a Chair and two Vice-Chairs at its first meeting. At the time of appointing the Vice-Chairs, the HGB shall decide which of them takes priority if the Chair is absent and both of them are present.

4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the Board may either re-appoint the same member as Chair or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.

4.3 There shall be no term limits for Vice-Chairs.

4.4 The co-opted members of the HGB shall not act in the role of either the Chair or the Vice-Chair of the HGB.

5. Quorum

5.1 The quorum for meetings of the HGB will be 9 voting members.

5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.3 If there is no quorum at any stage during a meeting, the Chair will adjourn the meeting for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

6. Member Conduct

6.1 HGB members appointed by the eleven Councils shall be bound by the Code of Conduct of their nominating authority. The HGB member appointed by the LEP (and those nominated by other co-opted members) will be bound by the Code of Conduct of Hertfordshire County Council.

6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.

6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the

member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, a vote will be taken without discussion.

7. Notice of and Summons to Meetings

7.1 Notice will be given to the public of the time and place of any meeting of the HGB in accordance with the Access to Information rules of the Council providing HGB secretariat functions.

7.2 At least seven clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

8. Meeting Frequency

8.1 The HGB will meet on at least a quarterly basis, or as determined by the HGB, with one of those meetings acting as the annual meeting.

8.2 Extraordinary Meetings may be summoned by (i) the Chair, or (ii) any nine councils writing to the Chair to request one. The notice from the Chair or the letter from the nine councils shall state the business of the meeting, and no other business shall be considered.

9. Virtual Meetings

9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.

9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.

9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with

another question, or if the question is the last to be heard, to move on to other business.

9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.

9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

10. Voting

10.1 Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member and other co-opted members.

10.2 HGB members commit to seek, where possible, to operate on the basis of consensus.

10.3 Should it not be possible in a specific instance to find a consensus, the issue shall stand deferred to a later meeting of the HGB. At the next meeting, a vote will be again taken and, if a consensus is still not achievable, the decision will be made on the basis of a simple majority.

10.4 The Chair shall have a casting vote; however, the convention of the HGB is that the Chair shall not exercise this.

11. Reports from the HGB Scrutiny Committee

11.1 The HGB will receive reports and recommendations from the HGB Scrutiny Committee as appropriate and the Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present them.

12. Questions by the Public and Public Speaking

12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB. This standard protocol is to be observed by public speakers:

(a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;

(b) Notice of the question should be submitted to the Chief Legal Officer of Hertfordshire County Council by 10am at least five working days before the meeting, stating to whom the question is to be put;

(c) Questions must be limited to a maximum of 300 words;

(d) Answers will be given in writing and will be published on the HGB website by 5pm on the day preceding the relevant meeting;

(e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days);or (iv) a combination of the above;

(f) Questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the HGB, nor any matter involving exempt information (normally considered as 'confidential');

(g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;

(h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB members to ask questions;

(i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;

(j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and

(k) Questions should relate to items that are on the agenda for discussion at the meeting in question. The Chair will have the discretion to allow questions to be asked on other issues.

13. Petitions

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB. This standard protocol is to be observed by petitioners:

(a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB to do;

(b) Petitions must relate to something which is within the responsibility of the HGB, or over which it has influence;

(c) Petitions must include the name and contact details of the petition organiser;

(d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB, but HGB members will be notified of them as long as they contain at least 50 signatures;

(e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;

(f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;

(g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;

(h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;

(i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information
(normally considered as 'confidential');

(j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB, as per Standing Order 11.

14. Participation at HGB Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies

14.1 At the discretion of the Chair, other elected members of the Councils or the LEP or co-opted members may be entitled to speak and participate at meetings of the HGB.

15. Minutes

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

16. Exclusion of the Public and Press

16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information rules of legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

17. Recording of Proceedings

17.1 The recording in any format of meetings of the HGB is permitted, except:

a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting;
b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see Standing Order 16).

18. Disturbance by Public

18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If that person

continues to interrupt, the Chair will order his or her removal from the meeting room.

18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.

18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

19. Interpretation of Standing Orders

19.1 The ruling of the Chair of the HGB as to the application of these Standing Orders shall be final.

20. Suspension of Standing Orders

20.1 With the exception of Standing Orders 4, 5, 7.1, 8, 10 and 15, and as far as is lawful, any of these Standing Orders may be suspended by motion passed unanimously by those entitled to vote.

Appendix 2

HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE TERMS OF REFERENCE

1. Parties

Hertfordshire County Council
Borough of Broxbourne Council
Dacorum Borough Council
East Hertfordshire District Council
Hertsmere Borough Council
North Hertfordshire District Council
St Albans City and District Council
Stevenage Borough Council
Three Rivers District Council
Watford Borough Council
Welwyn Hatfield Borough Council

2. Status

The Hertfordshire Growth Board Scrutiny Committee has been established by the Councils listed above. It is a joint advisory committee of these Councils, established under section 102(4) of the Local Government Act, 1972.

3. Membership

3.1 One elected member appointed by each of the member Councils and one member appointed by the LEP (total 12).

4. Functions of the HGB Scrutiny Committee

4.1 The HGB Scrutiny Committee is established to advise the HGB with regard to the latter's role in achieving the objectives in the HGB Terms of Reference.

4.2 The HGB Scrutiny Committee will act as a forum for discussion with a wider range of members and stakeholders across the Hertfordshire area, so that the HGB benefits from a wider range of expertise in making its decisions.

4.3 To this end, the HGB Scrutiny Committee may receive and comment on ("pre-scrutinise") reports to the HGB, may offer advice to the HGB on the discharge of its functions and may review its work.

4.4 The HGB Scrutiny Committee shall develop its own Forward Plan and may submit reports or recommendations to the HGB for consideration, as appropriate.

5. Professional and Administrative Support

5.1 Committee management and administrative support to the HGB Scrutiny Committee will be provided by Hertfordshire County Council.

5.2 Other professional support will be provided to the HGB Scrutiny Committee on an ad hoc basis as agreed between the Councils.

6. Standing Orders

The HGB Scrutiny Committee will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

7. Costs

The costs of running the HGB Scrutiny Committee will be funded from the HGB Growth Fund.

Appendix 2 – Annex A

HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE STANDING ORDERS

1. Membership

1.1 The HGB Scrutiny Committee will have a membership of 12, with each Council and the LEP being entitled to appoint one member. Members must not be Cabinet members of their appointing authority.

2. Alternate or Substitute Members

2.1 Each Council will be entitled to appoint one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.

2.2 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

3. Term of Office

3.1 The term of office of members from the Councils shall end:

a. if rescinded by the appointing Council; or

b. if the member ceases to be a member of the appointing Council.

4. Appointment of Chair and Vice-Chair

4.1 The HGB Scrutiny Committee will appoint a Chair and Vice-Chair at its first meeting.

4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB Scrutiny Committee that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the HGB Scrutiny Committee may either re-appoint the same member as Chair, or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.

4.3 There shall be no term limits for Vice-Chairs.

4.4 Where there are three or more candidates for appointment and there is, after balloting, no candidate with a clear majority, meaning in this case the votes of more than 50% of members present and voting, the candidate with the least number of votes will withdraw and there will be a fresh ballot of remaining candidates; and so on until a candidate has that majority.

5. Quorum

5.1 The quorum for meetings of the HGB Scrutiny Committee will be 7 members.

5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.3 If there is no quorum at any stage during a meeting, the person presiding over the meeting will adjourn for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

6. Member Conduct

6.1 HGB Scrutiny Committee members appointed by the Councils shall be bound by the Code of Conduct of their nominating authority.

6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.

6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period.
If seconded, a vote will be taken without discussion.

7. Notice of and Summons to Meetings

7.1 Notice will be given to the public of the time and place of any meeting of the HGB Scrutiny Committee in accordance with the Access to Information rules of Hertfordshire County Council.

7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB Scrutiny Committee. The agenda will give the date, time and place of each meeting; specify the business to be transacted, and will be accompanied by such details as are available.

8. Meeting Frequency

8.1 The HGB Scrutiny Committee may set its own timetable for meetings, normally on a date preceding meetings of the HGB in order to allow the HGB Scrutiny Committee to consider issues the HGB will be taking decisions on and advise accordingly.

9. Virtual Meetings

9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.

9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.

9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.

9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.

9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

Voting

10.1 All HGB Scrutiny Committee members will be voting members.

10.2 Voting for meetings of the HGB Scrutiny Committee will be conducted on the basis of a simple majority. The Chair shall have a casting vote; the convention shall be that the Chair shall not exercise this.

11. Reports from the HGB Scrutiny Committee to the HGB

11.1 The Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present reports from the HGB Scrutiny Committee as appropriate.

12. Questions by the Public and Public speaking

12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB Scrutiny Committee. This standard protocol is to be observed by public speakers:

(a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;

(b) Notice of the question should be submitted the Chief Legal Officer of Hertfordshire County Council at the latest by 10am three working days before the meeting;

(c) Questions must be limited to a maximum of 300 words;

(d) Answers will be given in writing and will be circulated at the meeting;

(e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days);or (iv) a combination of the above;

(f) Questioners will not be permitted to raise the competence or performance of a member of the HGB Scrutiny Committee or the HGB, nor any matter involving exempt information (normally considered as 'confidential');

(g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;

(h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB Scrutiny Committee members to ask questions;

(i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;

(j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and

(k) Questions should relate to items that are on the agenda for discussion at the meeting in question. However, the Chair will have discretion to allow questions to be asked on other issues.

13. Petitions

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB Scrutiny Committee. This standard protocol is to be observed by petitioners:

(a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB Scrutiny Committee to do;

(b) Petitions must relate to something which is within the responsibility of the HGB Scrutiny Committee, or over which it has influence;

(c) Petitions must include the name and contact details of the petition organiser;

(d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB Scrutiny Committee, but HGB Scrutiny Committee members will be notified of them as long as they contain at least 50 signatures;

(e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;

(f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;

(g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;

(h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;

(i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');

(j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB as per Standing Order 10.

14. Participation at HGB Scrutiny Committee Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies

14.1 At the discretion of the Chair, other elected members of the Councils, or representatives from the LEP or other co-opted members, may be entitled to speak and participate at meetings of the HGB Scrutiny Committee.

15. Minutes

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

16. Exclusion of the Public and Press

16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

17. Recording of Proceedings

17.1 The recording in any format of meetings of the HGB Scrutiny Committee is permitted, except:

a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting; and/or

b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see standing order 16).

18. Disturbance by the Public

18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If the individual continues to interrupt, the Chair will order his or her removal from the meeting room.

18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.

18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

19. Interpretation of Standing Orders

19.1 The ruling of the Chair as to the application of these Standing Orders shall be final.

20. Suspension of Standing Orders

20.1 With the exception of Standing Orders 5, 7.1, 10 and 15, and as far as is lawful, any of these Standing Orders may, as far as is lawful, be suspended by motion passed unanimously by those entitled to vote.