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Southend-on-Sea City Council

Civic Centre
Southend-on-Sea

13 March 2024



I hereby summon you to attend the meeting of the Southend-on-Sea City Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, **Thursday, 21st March, 2024** commencing **6.30 p.m.** for the transaction of the following business.

C Ansell
Chief Executive

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Minutes of the meeting held on Thursday, 14 December 2023**
(Pages 3 - 10)
- 5 Minutes of the Meeting held on Thursday, 22 February 2024**
(Pages 11 - 16)
- 6 Questions from Members of the Public**
- 7 Questions from Members of the Council**
- 8 Leader of the Council Update**
- 9 Petition - Ironworks**
- 10 Outside Bodies (Pages 17 - 52)**
Report of Executive Director (Strategy and Change)
- 11 Standing Orders - Changes to Council Meeting Procedures (Pages 53 - 118)**
Report of Executive Director (Strategy and Change)

- 12 Notice of Motion - Replacement of Paving Slabs (Pages 119 - 120)**
Notice of Motion
- 13 Notice of Motion - Chichester Road Right Turn (Pages 121 - 122)**
Notice of Motion
- 14 Calendar of Meetings 2024/2025 (Pages 123 - 124)**

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of The Council

Date: Thursday, 14th December, 2023

Place: Council Chamber - Civic Suite

4

Present: Councillor S Habermel (Chair)
Councillors K Robinson, B Beggs, M Borton, H Boyd, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, A Dear, M Dent, F Evans, N Folkard, D Garston, S George, I Gilbert, J Harland, L Hyde, D Jarvis, A Jones, D Jones, J Lamb, A Line, R McMullan, J Moyies, C Mulroney, D Nelson, M O'Connor, M Sadza, M Stafford, M Terry, S Wakefield, J Warren, P Wexham, R Woodley, S Aylen, C Campbell, O Cartey, G Leroy, R Longstaff, C Nevin, D Richardson and K Murphy

Start/End Time: 6.30 pm - 11.00 pm

91 Apologies for Absence

Apologies for absence were received from Councillors Berry, Davidson, Walker and Ward.

92 Declarations of Interest

The following declarations of interest were made:

(a) Cllr Buckley – Minute 102(b) (Honorary Aldermen Nominations) – Trustee of Eastwood Community Centre (Mr R Weaver is the Chair).

(b) Cllr Collins - Minute 102(b) (Honorary Aldermen Nominations) – Trustee of Eastwood Community Centre (Mr R Weaver is the Chair).

(c) Cllr Cowan - Minute 102(b) (Honorary Aldermen Nominations) – Trustee of Eastwood Community Centre (Mr R Weaver is the Chair).

(d) Cllr Dent – Minute 102(a) (Freedom of the City Nomination) – Member of the Shrimpers Trust.

(e) Cllr Hyde - Minute 102(a) (Freedom of the City Nomination) – Member of the Shrimpers Trust.

(f) Cllr Line – Minute 102(a) (Freedom of the City Nomination) – Co-founder of fans supporting foodbank that works closely with Southend United Football Club.

(g) Cllr Wexham – Minute 103 (Local Council Tax Support Scheme 2024/25) – in receipt of Council Tax support (withdrew).

93 Communications

(a) Minute Silence

The Council remained silent for one minute as a mark of respect to former Councillor, Jim Clinkscales.

(b) Youth Mayor and Deputy Youth Mayor

The Mayor presented the badge of office to the new Youth Mayor, Thomas Bell and Deputy Youth Mayor, Edward Melville.

(c) Officer Awards/Recognition

The Mayor presented certificates of recognition to the following Council officers who had recently received prestigious national awards:

(i) Faye Creasey – winner of the Mo Slade Rising Star Award at the Essex Housing Awards 2023.

(ii) Andrew Williett – winner of the Excellence in Construction Skills at the Essex Housing Awards 2023.

(iii) Ben Harrison and Joanne Matthews – winners of the Association of Chief Estates Surveyors Project of the Year 2023 and highly commended at Essex Housing Awards 2023. Joanne Matthews was also the winner of the Chartered Institute of Highways and Transportation Sustainable Project award.

(d) Presentation of the Yule Log

Councillor Aylen presented the traditional Yule Log.

94 Questions from Members of the Public

The relevant Cabinet Members responded to written questions received from the public.

95 Questions from Members of the Council

The relevant Cabinet Members responded to written and supplementary questions received from Councillors.

96 Minutes of the meeting of Special Council held Tuesday, 26 September 2023

Resolved:

That the minutes of the special Council meeting held on Tuesday, 26 September 2023 be confirmed and signed as a correct record.

97 Minutes of the meeting of Council held Thursday, 19 October 2023

Resolved:

That the minutes of the special Council meeting held on Thursday, 19 October 2023 be confirmed and signed as a correct record.

98 Minutes of the meeting of Special Council held Monday, 20 November 2023

Resolved:

That the minutes of the special Council meeting held on Monday, 20 November 2023 be confirmed and signed as a correct record.

99 Leader of the Council Update

The Leader of the Council addressed the Council and provided a brief overview of the work of the Cabinet. The Group Leaders and Councillors Ayles, Longstaff and Murphy responded.

100 Southend City Council Corporate Plan 2023-2027

The Council had before it Minute 59 of the Cabinet held on 20 November 2023 concerning the Southend City Council Corporate Plan 2023-2027.

Resolved:

That Minute 59 of the Cabinet held on 20th November 2023, be approved.

101 Resourcing Better Outcomes - Finance Performance Report for September 2023 (Period 6)

The Council had before it Minute 60 (Recommendation 9) of the Cabinet held on 20th November 2023 concerning the finance and corporate performance report 2023/24 for September 2023 (period 6).

Resolved:

That Minute 60 (Recommendation 9) of the Cabinet, be approved.

102 Freedom of the City and Honorary Aldermen Nominations

(a) Freedom of the City of Southend-on-Sea

The Council had before it Minute 4 of the General Purposes Committee held on 27th November 2023 concerning the nomination of Mr Kevin Maher for Freedom of the City of Southend-on-Sea.

Resolved:

1. That Minute 4 of the General Purposes Committee held on 27th November 2023, be approved.

2. That a Special meeting of the Council be convened in the New Year to confer the honour.

(b) Honorary Aldermen Nominations

The Council had before it Minute 7 of the General Purposes Committee held on 27th November 2023 concerning the nominations of Mr Roger Weaver and Mr Mike Royston for Honorary Alderman.

Resolved:

1. That Minute 7 of the General Purposes Committee held on 27th November 2023, be approved.

2. That a Special meeting of the Council be convened in the New Year to confer the honours.

103 Local Council Tax Support Scheme 2024/25

The Council considered a report of the Executive Director (Finance and Resources) presenting a new Local Council Tax Support Scheme for 2024/25.

Resolved:

1. That the proposed changes to the current Local Council Tax Support Scheme be adopted for 2024/25.

2. That the administration changes be adopted for 2024/25.

104 Notice of Motion - Cuckoo Corner

In accordance with Standing Order 20, a Notice of Motion concerning Cuckoo Corner was submitted to Council by Councillor Hyde and seconded by Councillor Cowan.

Resolved:

That the Notice of Motion concerning Cuckoo Corner, set out below, be referred to the Cabinet for consideration:

'Improving Cuckoo Corner

Traffic congestion is a major issue in our city, exacerbated by many bottlenecks and areas of high traffic pressure. The Cuckoo Corner roundabout is one such area with regular traffic jams tailing back in multiple directions having a knock-on effect to traffic congestion across the city.

This junction is a vital gateway to the East of the city for buses and motorists. When clogged, tailbacks can reach the city centre, Kent Elms corner, Sutton Road roundabout, and beyond Warner's Bridge into Rochford.

Natural traffic flow is impeded by an unsuitable layout that includes partial traffic signalling at the roundabout, traffic-controlled pedestrian crossings too close to the junction, and merges in-turn that are too short. Planned large-scale developments in the city will add significant volumes of traffic including large vehicles for delivery, causing further congestion.

This junction falls between the two Air Quality Management Areas (AQMAs) of Southend, and the air quality here is not currently sufficiently monitored. On recent walkabouts with ward councillors, members of the senior leadership team found it difficult to breathe after a few short minutes at the junction.

Therefore, this Council resolves to:

- 1) *Publish existing data around current traffic congestion and any monitoring undertaken at this junction. Where this data does not exist, Council will monitor the following for a period of at least 3 months:*
 - a) *Volume of traffic, given on an hourly basis to identify peak periods of pressure;*
 - b) *Distribution of these vehicle movements at each entry/ exit;*
 - c) *Use of pedestrian crossings, to be cross-referenced with peak traffic periods.*
- 2) *Model alternative layouts and arrangements for Cuckoo Corner junction, including:*
 - a) *Box junctions;*
 - b) *Relocation of the pedestrian crossings;*
 - c) *Relining options;*
 - d) *Improved provisions for cyclists;*
 - e) *Improved provision for buses;*
 - f) *Phasing of traffic lights;*
 - g) *Full traffic signalling on all exits/ entrances, or;*
 - h) *Removal of traffic signals to aid traffic flow.*
- 3) *Conduct a focused assessment of air quality at the Cuckoo Corner junction, to include:*
 - a) *Live monitoring of air quality over a minimum 6-month period;*
 - b) *Particulate monitoring (PM2.5 and PM5).*
- 4) *Liaise with local bus companies to understand the pressures caused by congestion at this junction on achieving a punctual service.'*

105 Notice of Motion - Fly-tipping

In accordance with Standing Order 20, a Notice of Motion concerning fly-tipping enforcement was submitted by Councillor Campbell and seconded by three other members of the Conservative Group.

During consideration of this matter an amendment was proposed by Councillor Hyde and seconded by Councillor Cowan. The amendment was carried.

Resolved:

That the Notice of Motion concerning fly-tipping, as amended below, be referred to the Cabinet for consideration:

'Southend-on-Sea City Council Fly-tipping Enforcement

From April 2021 to March 2022, there were 1,961 reported total incidents of fly-tipping in Southend and 3,060 total enforcement actions in response. Of these total enforcement actions, there were 0 Fixed Penalty Notices (FPNs) issued. For that reporting year, Southend-on-Sea Borough Council (as it was known as) was joint last in 266th place on the league tables for tackling fly-tipping through FPNs. Similarly, from the financial years of 2020-2023, a total of 0 FPNs and 2,789 warning letters were issued in relation to fly-tipping. From the calendar year of 2021-2023 (to date on 19th October 2023), 5,396 educational letters were issued in relation to fly-tipping.

Fly-tipping is a crime under the Environmental Protection Act 1990, worsens the community our residents live in, and is costly to the Council to have to action. Charging perpetrators with an FPN generates income to the Council and reduces the risk of reoffending.

It is recognised that not every situation of fly-tipping requires an FPN as other methods of enforcement may be more effective; however, it cannot be appropriate to never issue an FPN for an offence. In comparison to other local authorities, not issuing a single FPN shows a reluctance on the part of the Council to use all powers given to it to tackle fly-tipping offences. Only law-abiding residents and communities are punished through this lack of enforcement action.

This Council therefore:

1. Notes that the Council's current approach of education and engagement is enshrined in the Council's enforcement policy in accordance with central government's preferred approach.
2. Notes that the Council has not issued FPNs for fly-tipping offences in the past 4 years.
3. Resolves *to request Cabinet* to seek to issue FPNs for fly-tipping offences where appropriate.
4. *Notes that good evidence collection is fundamental to correct identification of perpetrators and resolves to create an easy way for residents to submit video of offences.*
5. *Notes that many fly-tipping hot-spots in Southend-on-Sea are located on private land and resolves to make ward maps of 'relevant land' easily accessible to ward councillors.*
6. *Notes that in many instances, incidents are 'misrepresented waste' rather than fly-tipping. In areas with repeated incidents of this, and resolves to engage constructively with residents to improve understanding.'*

106 Appointments to Committees

There were no changes to the appointments on Committees, etc.

Chair: _____

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of The Council

Date: Thursday, 22nd February, 2024

Place: Council Chamber - Civic Suite

5

Present: Councillor S Habermel (Chair)
Councillors K Robinson, B Beggs, M Berry, M Borton, H Boyd, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, N Folkard, D Garston, S George, I Gilbert, J Harland, L Hyde, D Jarvis, A Jones, D Jones, J Lamb, A Line, R McMullan, J Moyies, C Mulroney, D Nelson, M O'Connor, M Sadza, M Stafford, M Terry, S Wakefield, C Walker, N Ward, J Warren, P Wexham, R Woodley, S Aylen, C Campbell, O Cartey, G Leroy, R Longstaff, C Nevin and D Richardson

Start/End Time: 6.30 pm - 10.38 pm

107 Apologies for Absence

Apologies for absence were received from Councillor Murphy.

108 Declarations of Interest

The following declarations of interest were made:

- (a) Cllr Buck – Minute 112 (Budget Proposals) – Member of Belfairs Golf Club.
- (b) Cllr Buckley – Minute 112 (Budget Proposals) – partner is a Leigh Town Council member.
- (c) Cllr Ann Jones – Minute 112 (Budget Proposals) – family member is a Council employee.
- (d) Cllr Lamb – Minute 112 (Budget Proposals) – Chair of Essex Fisheries.
- (e) Cllr Mulroney – Minute 112 (Budget Proposals) – Member of Leigh Town Council.

109 Communications

There were no communications from the Mayor.

110 Questions from the Public

The relevant Cabinet Members responded to questions received from the public.

111 Questions from Councillors

The relevant Cabinet Member responded to written and supplementary questions received from Councillors.

112 **Budget Proposals - 2024/25 to 2028/29**

The Council considered a report of the Executive Director (Finance and Resources) presenting the Cabinet's revenue budget and Council Tax level for 2024/25 financial year and a Capital Investment Programme for 2023/24 to 2028/29, including the associated Prudential Indicators and Treasury Management arrangements, together with the Minutes 93 to 95 of Cabinet held 13th February 2024.

In accordance with Council Procedure Rule 23.12 Councillor Cowan, had submitted one amendment to the Budget, which was circulated to all Councillors prior to the meeting and tabled this evening (the amendment was also added as a supplementary document on the website).

The amendment was voted on by way of a named vote as required by law. The voting was as follows:

For the Budget Amendment:

Cllrs Berry, Borton, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Hyde, A Jones, Leroy, Line, Longstaff, McMullan, Mulroney, Nevin, O'Connor, Richardson, Robinson, Sadza, Stafford, Terry, Wakefield, Ward, Wexham and Woodley (27)

Against the budget amendment:

Cllrs Aylen, Beggs, Boyd, Buck, Buckley, Campbell, Cartey, Courtenay, Cox, Davidson, Dear, Evans, Folkard, Garston, Harland, Jarvis, D Jones, Lamb, Moyies, Nelson, Walker and Warren (22)

Abstentions:

Cllr Habermel (Mayor) (1)

Absent

Cllr Murphy (1)

The amendment to the budget was carried.

The budget proposals (as amended) were then voted on by way of a named vote as required by law. The voting was as follows:

For the (amended) budget:

Cllrs Berry, Borton, Burton, Collins, Cowan, Cowdrey, Dent, George, Gilbert, Hyde, A Jones, Leroy, Line, Longstaff, McMullan, Mulroney, Nevin, O'Connor, Richardson, Robinson, Sadza, Stafford, Terry, Wakefield, Ward, Wexham and Woodley (27)

Against the (amended) budget:

Cllrs Ayles, Beggs, Boyd, Buck, Buckley, Campbell, Cartey, Courtenay, Cox, Davidson, Dear, Evans, Folkard, Garston, Harland, Jarvis, D Jones, Lamb, Moyies, Nelson, Walker and Warren (22)

Abstentions:

Cllr Habermel (Mayor) (1)

Absent:

Cllr Murphy (1)

The Council Budget 2024/25 proposals as amended were carried, as set out as follows:

Resolved:

1. That the Section 151 Officer's statement on the robustness of the proposed budget (including the amendment) , the adequacy of the Council's reserves and the Council's Reserves Strategy, be approved.
2. That a 2024/25 revenue budget (as amended), be approved:
 - A Council Tax increase of 4.99% for the Southend-on-Sea element of the Council Tax for 2024/25, being 2.99% for general use and 2.0% for Adult Social Care.
 - The use of £1 million of the collection fund surplus for the 2024/25 budget.
 - Note the increase in the Council Tax level of 2.91% for the precepting authority the Essex Fire and Rescue Services.
 - Note the increase in the Council Tax level of 5.55% for the precepting authority the Essex Police.
 - Note the increase in the Council Tax level of 2.31% for Leigh-on-Sea Town Council.
3. That the final levy position for 2024/25, be approved.
4. That the Capital Investment Programme for 2023/24 to 2028/29 (as amended), be approved.
5. That the recommendations from Cabinet held 13th February 2024 for the HRA and associated rent levels, service charges and heating charges, Treasury Management and Prudential Indicators, be approved.
6. That the statutory Budget Determinations and amount of Council Tax for Southend-on-Sea City Council (as amended and set out below), be approved.
7. That the Council's five-year financial forecast and associated Medium Term Financial Strategy, be approved.
8. That the direction of travel for 2025/26 and beyond and the approach and key elements proposed for the development and implementation of a new transformation programme for the Council, be approved.

Council Tax Resolutions:

1. That it be noted that on 11 January 2024 the Cabinet calculated the Council Tax Base 2024/25 as:

(a) for the whole Council area as 60,409.19

(b) for dwellings in those parts of its area to which a Parish precept relates (Leigh-on-Sea Town Council) as 9,017.50.

2. That the Council Tax requirement for the Council's own purposes for 2024/25 (excluding town/parish precepts) be determined as £103,495,441.

3. That the following amounts be calculated for the year 2024/25, in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):

(a) £432,010,656 – Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by town/parish councils.

(b) -£328,048,559 – Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

(c) £103,962,097 – Being the amount by which the aggregate of 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (including town/parish precepts).

(d) £1,720.96 – Being the amount at 3(c) above, divided by the Council Tax Base shown at 1(a) above, as the basic amount of its Council Tax for the year (including town/parish precepts).

(e) £466,656 – Being the aggregate amount of all special items (town/parish precepts) referred to in Section 34(1) of the Act and set out below:

Band A: 34.50; Band B: 40.25; Band C: 46.00; Band D: 51.75; Band E: 63.25; Band F: 74.75; Band G: 86.25; Band H: 103.50.

(f) 1,713.24 – Being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the Council Tax Base shown at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Town/Parish precept relates.

4. That it be noted that the Essex Police and Crime Commissioner and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Act for each category of dwellings in the Council's area as indicated below:

Essex Policy Authority:

Band A: 164.28; Band B: 191.66; Band C: 219.04; Band D: 246.42; Band E: 301.18; Band F: 355.94; Band G: 410.70; Band H: 492.84.

Essex Fire Authority:

Band A: 55.08; Band B: 64.26; Band C: 73.44; Band D: 82.62; Band E: 100.98; Band F: 119.34; Band G: 137.70; Band H: 165.24.

5. That the Council, in accordance with Sections 30 and 36 of the Act, hereby sets the aggregate amounts show below as the amounts of Council Tax for 2024/25 for each part of its area and for each categories of dwellings:

Band A: 1,361.52; Band B: 1,588.44; Band C: 1,815.36; Band D: 2,042.28; Band E: 2,496.12; Band F: 2,949.96; Band G: 3,403.80; Band H: 4,084.56.

6. That the Council's basic amount of Council Tax for 2024/25 be determined as not excessive in accordance with the principles approved under Section 52ZB of the Act, and as shown in the calculation below:

(a) Percentage increase defined by the Secretary of State as constituting an excessive increase in 2024/25: 5% (comprising 2% for the Adult Social Care Precept and 3% for other expenditure).

(b) Percentage increase in the Council's basic amount of Council Tax:

2023/24 amount - £1,631.88

2024/25 amount - £1,713.24

Percentage increase: 4.99%

The figure at 6(b) is less than the figure at 6(a) above and therefore the Council's basic amount of Council Tax for 2024/25 is not excessive and no referendum is required.

7. That the amounts payable in each town/parish at each band, comprising aggregate sums derived from all precepts be determined as set out below:

Unparished area:

Band A: 1,361.52; Band B: 1,588.44; Band C: 1,815.36; Band D: 2,042.28; Band E: 2,496.12; Band F: 2,949.96; Band G: 3,403.80; Band H: 4,084.56.

Parished area:

Band A: 1,396.02; Band B: 1,628.69; Band C: 1,861.36; Band D: 2,094.03; Band E: 2,559.37; Band F: 3,024.71; Band G: 3,490.05; Band H: 4,188.06.

113 Pay Policy Statement 2024/25

The Council considered a report of the Executive Director (Strategy and Change) presenting the Pay Policy Statement for 2024/25 in the context of the Council's overall Reward Strategy.

Resolved:

That the Pay Policy Statement for 2024/25, be approved.

Chair: _____

Meeting:	Council
Date:	21 March 2024
Classification:	Part 1
Key Decision:	No
Title of Report:	Outside Bodies Task and Finish Group – Final Report and Recommendations
Executive Director:	Claire Shuter, Executive Director of Strategy and Change
Report Author:	Stephanie Cox, Principal Democratic Services Officer
Executive Councillor:	Councillor Tony Cox, Leader of the Council and Cabinet Member for Constitutional Affairs

1. Executive Summary

To present the final report and recommendations of the Outside Bodies Task and Finish Group.

2. Recommendations

That the final report (attached at Appendix A) and recommendations arising from the Outside Bodies Task and Finish Group, as set out below, be agreed:

- 2.1 That with effect from the commencement of the municipal year 2024/25, Southend City Council no longer appoint representatives to the outside bodies tabled in Appendix 1.**
- 2.2 That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled in Appendix 2.**
- 2.3 That the number of Outside Bodies to which the Council currently appoints Councillor representatives is regularly reviewed using an appropriate set of criteria for establishing whether Councillor representation is appropriate. An annual ‘light-touch’ review should be undertaken each year by Democratic Services and Executive Directors, with a more detailed review to be undertaken in consultation with Councillors every 4 years (or as appropriate). The criteria to which appointments should be made to an Outside Body are where:**
 - a) The authority has a statutory duty to be involved.**
 - b) It is essential to the work of the Council and delivery of its service area.**

- c) **Cabinet Members / Councillors are required to attend because of their specific role in the Council.**
- d) **The Outside Body / City Council would derive a significant benefit from the engagement of a Councillor.**

2.4 That consideration be given to appointing Councillors according to their knowledge and expertise of a subject.

2.5 That all Councillors who are appointed to Outside Bodies will be expected to provide a monthly update (if appropriate) and an annual report to feedback any key points from their attendance on the Outside Bodies (reporting template attached at Appendix 3).

2.6 That Democratic Services support Councillors appointed to Outside Bodies by Council or Cabinet, in accordance with the process set out at Appendix 4.

2.7 As part of the induction process Councillors are supported in developing an understanding of their role and responsibilities regarding participation on Outside Bodies and provided with appropriate guidance. Role profile attached at Appendix 5.

2.8 That an Outside Body is free to request an alternate Council representative on the understanding that the replacement will be chosen by Council, not the outside body (for example, repeated non-attendance at meetings without good reasons offers valid grounds for an Outside Body to request an alternate Council representative). The Council should also be permitted to replace its representative(s) on the grounds of regular non-attendance at meetings of an Outside Body without other good reason.

2.9 An Outside Body is free to inform the Council at any time that Council representation is no longer required (if its Constitution allows it to do so).

2.10 That for ease of reference, Cabinet Member only appointments be separated (if possible) from the main Outside Bodies appointee list but circulated for information only.

2.11 Those nominations to Local Government Association sub-groups, special interest groups or commissions be determined by the Leader of the Council (as Cabinet Member appointments).

2.12 That officer only memberships should be removed from the Outside Bodies appointment list, as this is dealt with under a separate process.

3. Background

3.1 The Scrutiny Chairs Forum met on 27 June 2023. The Membership of this forum is constituted from the Chairs and Vice-Chairs of each of the Council's three scrutiny committees.

- 3.2 At this meeting the membership and representation on Outside Bodies was identified as a potential topic for review, subject to agreement by Scrutiny Committees. The Place, People and Policy and Resources Scrutiny Committees agreed to establish the Outside Bodies Task and Finish Group at the meetings held in July 2023.
- 3.3 The final report and recommendations of the Outside Bodies Task and Finish Review were considered by each of the three Scrutiny Committees at the meetings held in February 2024, comments are summarised at section 5.

4. Reasons for Decisions

4.1 The Task and Finish Group reviewed all outside bodies to which Members were appointed to in the 2023/24 municipal year and looked at improving the method for reporting back on Outside Bodies to ensure they are adding value to Southend-on-Sea City Council.

4.2 Specifically the review and recommendations, had the following aims:-

- To identify which appointments continue to be beneficial.
- To identify which appointments may no longer be required, for example if the Outside Body is now defunct and no longer functioning.
- To identify any Outside Bodies which may need a different number of representatives.
- To identify any new bodies which may benefit from Member representation.
- To improve contact and relationships with Outside Bodies and strengthen internal processes, for example how Outside Bodies will be notified when new appointments are made.
- To deepen understanding of the work of each Outside Body and the capacity in which they would like Members appointed, for example a decision-making capacity (member of management committee, board of directors, committee of trustees) or in an 'observer' capacity undertaking a monitoring role.
- To investigate ways by which all appointed Members can provide regular feedback to the Council on the work of their Outside Bodies.

4.3 All 58 Outside Bodies that the Council currently appoints to were surveyed. Following the results of the review it is proposed that:

- 22 Outside Bodies to cease appointments to from 2024/25.
- 46 Outside Bodies proposed to appoint to from the municipal year 2024/25.

**Subject to any further updates that may be received prior to Appointments Council in May 2024.*

4.4 There were a number of recommendations arising from the review which are set out in section 6 of the final report (attached at appendix A). These have been agreed by the Task and Finish Group Members.

- 4.5 Each of the three Scrutiny Committees were asked to endorse the final report from the Outside Bodies Task and Finish Group, for agreement by Council. Comments and updates about outside bodies received from Scrutiny have been incorporated into this report.
- 4.6 The report and recommendations arising from the completion of the In-Depth Scrutiny Project will be presented by Councillor C Mulrone, as Chair of the Outside Bodies Task and Finish Group.

5. Comments from Scrutiny

As a joint Task and Finish Group, each of the Council's three Scrutiny Committees endorsed the final report and recommendations, and the following comments were noted:

5.1 Place Scrutiny Committee

- The Committee discussed the findings and recommendations in the final report in some detail, including the merits of the Council only appointing representatives to the Airport Consultative Committee from wards primarily affected by the airport (e.g. Ward Councillors whose residents were living under the flight path).
- With reference to recommendation number 8 of the final report, the Committee suggested that the Council should also be able to replace its representative(s) on the grounds of regular non-attendance at meetings of an Outside Body without other good reason.

5.2 People Scrutiny Committee

- Agreed with the importance of giving consideration to appointing Councillors according to their knowledge and experience of a subject.
- That further comments should be provided for Active Southend, Relate, National Association of Councillors, North Sea Commission for information purposes. Advised that Southend Arts Council ceased to exist.
- To clarify that Southend University Hospital had been replaced by Mid and South Essex Trust.
- Whether 'Committee List D' of working parties, forums and other panels could also be reviewed in due course (such as Holocaust Memorial Day, SACRE) and for Councillors to report back on such activities.

5.3. Policy & Resources Scrutiny Committee

- Councillors felt that it was important there was a method of accountability and mechanism for reporting back for Councillors.

5.4 Appendices 1 and 2 of the final report (listing which outside bodies to cease and continue appointments) were updated following the comments raised by Scrutiny. It is intended that the list of Outside Bodies to appoint to is considered a "living document" and updated as appropriate by Democratic Services.

6. Financial Implications

As described in the report of the Outside Bodies Task and Finish Group (section 4.1).

7. Legal Implications

Statutory Powers – Local Government Act 1972.

8. Policy Context

8.1 It is important that Council is represented on Outside Bodies which may have a direct or indirect influence on Council decision making.

9. Carbon Impact

It is important to ensure that the most effective use of member time and reduce the need to travel and ensure the capabilities of Outside Bodies to minimise these in both their interests and the environment.

10. Equalities

It is important that when representing the Council members have the right expertise and knowledge for the particular role.

11. Consultation

All 58 Outside Bodies that the Council current appoints to were surveyed, using a combination of letters, emails and telephone calls. A good level of response was received, however there were some organisations for which little or no information could be obtained.

All Elected Members were consulted during this process, alongside the Corporate Management Team.

The final report and recommendations have been considered by each of the Council's three scrutiny committees at the meetings held in February 2024.

12. Appendices

Appendix A: Final report of the Outside Bodies Task and Finish Group – Outside Bodies Review 2023

- Appendix 1: Outside Bodies to cease appointments.
- Appendix 2: Outside Bodies to appoint to from 2024-25 onwards.
- Appendix 3: Annual Feedback Form
- Appendix 4: Appointment to Outside Body – Information Sheet
- Appendix 5: Draft Role Profile

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	12/03/24
Monitoring Officer	Kim Sawyer	12/03/24
Executive Director(s)	Claire Shuter	12/03/24
Relevant Cabinet Member(s)	Councillor T Cox	13/03/24

Outside Bodies' Review 2023

To review all Outside Bodies on which members sit and to look at improving the method for reporting back to Council.

Author: Stephanie Cox, Principal Democratic Services Officer (Designated Scrutiny Officer) Version: 1
Date: December 2023

Table of Contents

Chair’s Foreword 3

Introduction 4

Scope 4-6

Findings 6-9

Other issues..... 10-11

Conclusion 11

Recommendations 12-13

Chair's Foreword

If, like me, you have in the past been appointed to an Outside Body but have had very little interaction with them, despite approaches, or felt ill prepared for the role, I hope this review will assist in future to ensure we get the best results for the Council and the Outside Body from the appointments we make.

It is important that the Council is not isolated from all the various groups and organisations that make up the life of, not just the City, but the region and indeed the country, where we can play a part.

At the forefront of our minds when working with these organisations should be the enhancement of our knowledge, input and interaction in order to provide benefit to our residents, businesses and visitors. Unless we are observers, we should play as active a part as possible, within the bounds of our Council remit, and make sure that our fellow councillors are kept informed and notified, particularly if something affects their ward.

The regime which is contained in this document and its attachments will go a long way to assist in improving our systems and knowledge and the discipline of being responsive at all times to bodies of which we form part.

This has been a mammoth task and I would like to thank Stephanie Cox for the time and effort she has put in in contacting and chasing people for information, consulting other councils and putting together a package for us to consider. It was no mean feat.

I hope once the final decision is taken the Council can move forward in these partnerships with the right people in place using their knowledge and expertise and furthering the cause of working with others for the benefit of all.



Councillor Carole Mulroney
Chair of Outside Bodies' Task and Finish Group

1. Introduction

The Outside Bodies' Task and Finish Review was suggested as a potential topic by the Scrutiny Chairs Forum. The membership of this forum is constituted from the Chairs and Vice-Chairs of each of the Council's three scrutiny committees.

It had been recognised by Councillors that, when appointed to some Outside Bodies at Appointments Council, they did not receive any meeting invitations or contact from the Outside Body. There were also no formal reporting mechanisms in place for Councillors sitting on these bodies to report back to other Councillors.

This highlighted the need to conduct a review of current processes, procedures and representation, to improve our communication and engagement with the Outside Bodies and strengthen our partnership working going forward.

The Council has a strong commitment to partnership working with many bodies and this work takes many forms. The Council may give financial or other support to an organisation, or it may commission services, or be a partnership based on a dialogue and consultation.

Outside Body representation serves many purposes, including the following:

- Enabling the Council to contribute to, and influence, the decision making of an organisation.
- Enabling the organisation to have direct information about Council policy and practice.
- Providing, through particular appointees, a local perspective.
- Satisfying a legal requirement for the Council to serve on the body.
- Providing an essential lead focus on behalf of the Council.
- Facilitate the objectives of the Council.

In July 2023 each of the Council's three Scrutiny Committees agreed the cross-cutting Outside Bodies' Task and Finish Group to be established, in accordance with proportionality allocations.

2. Scope

Purpose of the Review

To review all Outside Bodies on which Councillors sit and to look at improving the method for reporting back to Council.

Aims

- To identify which appointments continue to be beneficial.
- To identify which appointments may no longer be required, for example if the Outside Body is now defunct and no longer functioning.
- To identify any Outside Bodies which may need a different number of representatives.
- To identify any new bodies which may benefit from Councillor representation.

- To improve contact and relationships with Outside Bodies to and strengthen internal processes, for example how Outside Bodies will be notified when new appointments are made.
- To deepen understanding of the work of each Outside Body and the capacity in which they would like Councillors appointed, for example a decision-making capacity (member of management committee, board of directors, committee of trustees) or in an 'observer' capacity undertaking a monitoring role.
- To investigate ways by which all appointed Councillors can provide regular feedback to the Council on the work of their Outside Bodies.

Methodology

Group Leaders were asked to submit their nominations to the Task and Finish Group, in accordance with proportionality allocations. The Leader of the Council confirmed that the Conservative Group would offer two of their allocated seats to non-aligned Councillors to ensure representation across the Council. As a result, the Members of this Task and Finish Group were:

Councillor C Mulrone (Chair)

Councillor S Aylen

Councillor M Borton

Councillor T Cowdrey

Councillor A Jones

Councillor D Richardson

Councillor M Terry

The Task and Finish Group met on two occasions; to agree a way forward and the surveys to be sent to Councillors and Outside Bodies, to look at what other comparable Council's did and to discuss the final recommendations.

The Group agreed the following approach:

Desktop Research:

To look at other Councils and how they dealt with Outside Bodies and their reporting mechanisms.

Survey to Outside Bodies:

A questionnaire was agreed by the Group with the aims of:

- updating contact details held on file;
- confirming whether the Outside Body was still in existence;
- confirming the capacity of the role required (trustee, director, committee member and voting status); and
- confirming the time commitment required of the Councillor and meeting patterns (to ensure that appropriate appointments are made in future).

Survey to Councillors:

A survey was agreed and circulated to all Councillors to seek their views on the Outside Bodies they were representing (or had previously represented).

A Councillor 'drop-in' session was also held by Stephanie Cox (Principal Democratic Services Officer). Councillors were encouraged to contact Democratic Services by whichever method was easiest, whether through phone, email or in person.

Director Information Gathering:

The Council's Corporate Management Team (CLT) was contacted to help identify whether the current list of Outside Bodies was up-to-date, and importantly, to highlight whether there were any new organisations of which Councillors should have oversight.

During the review process Councillors had highlighted that whilst it was likely some organisations were now defunct, there were also likely to be other organisations that Councillors should be appointed to in order for the Council to have effective oversight.

3. Findings

3.1 Desktop Research

From the evidence they have received as part of this review, Councillors have noted that the issue of appointments to Outside Bodies is something that many authorities have reviewed over recent years.

Information, reviews and reports were obtained from Coventry City, Cumbria County, Dorset, Eden District, Essex County, East Cambridgeshire District, East Staffordshire Borough, South Hams District and Stroud District Councils.

All of these authorities had undertaken similar reviews and adopted comparable approaches and this information helped to gain an overview of the national picture regarding engagement with, and attendance at, Outside Bodies.

This work highlighted that Southend-on-Sea was not alone in some of the challenges faced by making appointments to Outside Bodies and monitoring the impact of this work.

Councillors felt that there was a need to report back on a regular basis, to enable the Council as a whole to be aware of any important issues discussed and to have transparency over what Elected Members were doing. Reporting forms had been produced by other local authorities and a similar form has been produced for Southend-on-Sea City Council, please see **Appendix 3**.

3.2 Responses from Outside Bodies

All 58 Outside Bodies that the Council currently appoints to were surveyed, using a combination of letters, emails and telephone calls.

A good level of response was received, however there were some organisations for which little or no information could be obtained. In these circumstances the nominated Councillors for both the 2022-23 and 2023-2024 years were contacted to ask if they could provide any feedback or knowledge, and then a judgement taken based on what was found.

The survey results were collated and a Red, Amber, Green status applied with those highlighted as:

- Red: being non-operational and appointment no longer required.
- Amber: unsure whether the appointment should continue based on response received or in some cases no responses or feedback could be obtained.

- Green: those organisations that were active, received funding from the Council or positive feedback received from the Outside Body and/or Councillors.

The Task and Finish Group reviewed this feedback in conjunction with the contributions from Councillors and compiled a list of those which the Council should continue to appoint going forward, please see **Appendix 2**.

A list of those which it was felt the Council should not continue to appoint to is set out in **Appendix 1**, along with an explanation as to why.

3.3 Feedback from Councillors

The Group consulted with each representative on an Outside Body (both current and historic) by asking them to complete a questionnaire. The evidence received was used to determine if appointments should continue to be made, only appointing representatives to those Bodies where it adds real value to the Council, Body or Community to do so.

Through this process a number of questions have been raised as to the reason for the City Council engagement with some of the Bodies concerned and the value that both the Body and the Council gains from representation.

It was apparent from responses that a significant number of Outside Bodies had not met, some for considerable time (over 2+ years). Further communication with Outside Bodies was undertaken to try to identify if this was a result of communication breakdown (Councillors not being invited to meetings or the Outside Body not aware of changes to appointments) or whether this was because such organisations were now non-operational.

It was regularly reported by Councillors that no contact had been made from a representative from the Outside Body they were appointed to, and in some cases the Councillor themselves had been contacted by a third-party organisation asking for information on a body – as a result of seeing the Councillor's name listed on the Southend City Council website.

It was also evident that there was also a mixed approach when appointments had been made. Some Councillors had been proactive and contacted the Outside Bodies that they had been appointed to introduce themselves (and received no response), whilst other organisations had contacted the Councillors direct to ask for information and in some cases had not received the information that they required.

The review highlighted that in some instances, following appointments at Council, particular organisations needed additional forms to be completed to satisfy the Outside Body's own governance processes (in accordance with their Terms of Reference) and Councillor photographs for their websites supplied.

As a result, the Task and Finish Group concluded that the appointments process needed to be standardised and managed by Democratic Services. A process was agreed at **Appendix 4** which would ensure effective communication going forward.

A common theme from responses was that Councillors felt that appointments to Outside Bodies should be made based on the best 'fit' for the role, with Councillors' interests, skills, experience and knowledge taken into consideration when making appointments.

A summary of anonymised Councillor comments is set out below:

- Lack of clarity regarding the objectives of some of the Outside Bodies.
- Concern that there were “meetings for meetings sake” a lot of the time.
- Disappointment that there was no formal feedback or reporting process from Councillors, so the Council was unaware of any good work that may have been undertaken or issues that affected certain wards.
- That there currently was not a way of monitoring Councillor attendance (or lack thereof) on Outside Bodies.
- That appointments to Outside Bodies should largely come from ‘opposition’ or ‘back-bench’ Councillors, given that Cabinet Members already have significant commitments in their Executive functions, responsibilities and mandatory appointments to a variety of Outside Bodies.
- Whether gender balance could be considered on some panels, (such as school appeals) so that they were not male dominated. It was recognised that the school appeal panel was not an outside body, but the comments received were noted.

In addition, there were specific comments raised in relation to the following:

- **London Southend Airport Consultative Committee**
Some Members felt that representatives appointed to this Outside Body should be from wards primarily affected by the airport (e.g. Ward Councillors whose residents were living under the flight path). It was also felt that this Committee had too many members with Leigh Town Council representatives and Rochford Board of Trade, but not Southend Chamber of Commerce. However, it should be noted that the number of committee members – and where and how these are appointed – are outside of the scope of this review and are for determination by the Consultative Committee.
- **Southend Boys and Southend Girls Choir Trust**
The Trust was removed from the Outside Bodies list in May 2023. The trust no longer receives funding from the Council; however, it has advised that it would like to have a Councillor representative and it was agreed by the Task and Finish Group to add this back to the list.

During the review, some Councillors suggested other organisations that the Council could look to appoint to in future. It was agreed that these organisations should be added to the appointments list. These are set out in **Table 1**.

Table 1

Organisation	Purpose
Southend SEND Independent Forum	Commissioned group, independent of the Council, made up of volunteers, who are responsible for representing the voice of parents and carers of children with SEND. Quarterly meeting with portfolio holder and shadow portfolio holder has been suggested.
SEND Strategic Partnership Board	To consider whether an Elected Member should be appointed to this Board to

	ensure a line of communication to members as Corporate Parents.
Southchurch Hall Inspirational Parkers (S.H.I.P)	During the review this organisation contacted the Council to ask if they could have a Councillor representative to act as a 'Heritage Councillor' to oversee both the protection and raise awareness of heritage in the City.

3.4 Director Information Gathering

Following consultation with CLT, the following was identified:

- Opportunity South Essex and SELEP end on 31 March 2024 and should be deleted.
- PSP Southend LLP – no Councillors appointed, and the partnership is being dissolved - to delete.
- Southend Business and Community Charter – Charter Committee – Executive Director and appointed Councillor are not aware of any such organisation - delete.
- Essex Leaders and Chief Executives (ELCE) which is attended, as you would expect, by the Leader and CEx (or their subs). This is a slightly different name to that on the appointments list and should be amended.
- Transport East – attended by Portfolio Holder for Highways, Transport and Parking and Director of Infrastructure and Environment.
- Southend Local Bus Forum – Attended by Portfolio Holder for Highways, Transport and Parking and the main opposition group shadow councillor.
- Southend Strategic Business Partnership (Essex Chambers of Commerce) – Attended by Leader and Portfolio Holder for Economic Growth and Investment (not as formal board members)
- Local Government Association General Assembly appointments to continue in the same way, however it is proposed the LGA sub-groups, panels, special interest groups or commissions be removed from the main list and determined by the Leader/Cabinet under Cabinet appointments (currently they are Cabinet Member appointments).
- Key Cities Board – Executive Director in consultation with the Leader has agreed to withdraw from this organisation.
- British Destinations – recommended to withdraw.
- North Sea Commission – involvement to cease from 2024/25.
- Southend CITY Business Improvement District (BID) and Southend Tourism Partnership are critical to growth strategy and appointments should continue to be made.
- LGA sub-groups, special interest groups or commissions (under the LGA umbrella) – it is recommended that these should be nominated to by the Leader, as all are Cabinet Member positions. Local Government General Assembly appointments to continue in normal way, as applies to whole Council.
- Southend Boys and Southend Girls Choir Trust – it was felt that the Mayor should act as the Council representative.

4. Other issues

4.1 Cost implications

Given the Council's challenging financial situation, Councillors were also keen to ensure that any work with Outside Bodies was cost effective and delivering any cost savings where possible. In relation to this Councillors queried:

- whether the Council was incurring any costs in relation to travel or hotel expenses;
- The need to review any membership or subscription fees as a potential to deliver savings, although this is not the focus of the review; and
- where organisations were receiving grant funding from the Council, that Members were being appointed to these outside bodies and regularly attending meetings.

The Task and Finish Group is keen to highlight that although the focus of the review has not been the financial implications of engagement with Outside Bodies, this has been considered as part of this work.

There has been no evidence from Councillors, Directors or Outside Bodies themselves that any considerable travel expenses have been incurred from any appointments made. Councillors have reported that if there have been any travel expenses these have been nominal (such as parking charges), and no claims have been made to the local authority for hotel rooms or significant travel fares. The majority of Outside Bodies are local and based in the City, with some in the wider Essex locality. There are some regional bodies that may meet in London once a year, and others which meet quarterly, however with increasing hybrid ways of working more of these organisations appear to be meeting virtually.

The Kent and Essex Inshore Fisheries and Conservation Authority was identified as one organisation that may incur travel or hotel fees; however, no claims have been submitted to the Council and it is our understanding that any cost(s) have been reimbursed by the Outside Body directly.

During the review process a Councillor expressed concern that Councillors may be being paid additional monies to represent Outside Bodies, and as a result these appointments were more lucrative. No evidence of Councillors being paid additional sums to sit on any of the Outside Bodies listed has been found.

As part of the work undertaken, the Group looked at whether the authority was paying any subscription or membership fees to Outside Bodies – and whether the Councillors appointed to these found the work beneficial. This was one area that could potentially deliver cost savings.

4.2 Reporting Mechanisms

Feedback from Councillors highlights there is a need to put in place reporting mechanisms to allow feedback to the whole Council. This process needs to be simple and effective so as not to create a disproportionate amount of work for those Councillors attending Outside Body meetings.

The roles undertaken by Councillors across outside bodies vary and maybe relevant to the whole Council Membership, fellow Ward Members or Members in a more place-based setting.

Members are asked to consider the most appropriate way to feedback relevant information to other Councillors on the work being undertaken by the outside body they sit on. This may differ depending on whether the outside body is specific to a particular ward/local area, has a wider place-based remit such as Citywide or Essex County/Regional wide.

Some suggested ways to feedback are set out below:

- Email updates – representatives should forward Democratic Services any email updates from the outside body, for forwarding to all Councillors on a monthly update (or quarterly as appropriate).
- Through Councillor's own informal networks.
- Member briefings where a wider dissemination of information and knowledge is desirable.
- An 'Annual Feedback' form. Councillors are required to submit an 'end-of-year' report.

Councillors appointed as a representative to an outside body would be expected in future to feedback using a combination of these methods, with a minimum expectation of completing and 'Annual Feedback' form at the end of each municipal year. This would also assist with keeping the appointment list up-to-date as part of an annual 'light-touch' review.

4.3 Change of representation

As part of the review, it was evident that there needed to be an agreed process to manage any change of representation.

Any Outside Body is free to request an alternate Council representative on the understanding the replacement will be chosen by the Council, not by the Outside Body. Repeated non-attendance at meetings without good reasons offers valid grounds for an Outside Body to request an alternate Council representative.

An Outside Body is also free to inform the Council at any time that Council representation is no longer required (if its Constitution allows it to do so). Requests must be made in writing to Democratic Services.

If a Councillor wishes to stand down from their role, they should first inform Democratic Services who will then contact the Outside Body and make other necessary arrangements.

5. Conclusion

By undertaking this review, the Task and Finish Group have gained a much broader understanding of the levels of commitment required and produced a refreshed and more accurate central database of outside bodies.

Although it is suggested that it may be appropriate to reduce the levels of Council engagement with Outside Bodies, continuing to appoint representatives where it adds

real value to do so, the Task and Finish Group is aware that in their own private capacity many Members decide to take part in or sit on a range of Bodies for personal interest or as part of their ward work.

In these circumstances, the Group is keen that this local work and interest continues but wishes to highlight that Councillors need to ensure that they are clear in advising these Bodies when they are not serving on them as a representative of the City Council and its views.

The Group also wishes to take this opportunity to highlight the value that is gained from partnership working, and the need to develop and foster strong relationships both on an individual and at an organisational level, as many of the Council's priorities cannot be delivered alone, rather they are as a result of close working between a number of organisations.

The following recommendations have been developed as a result of the Task and Finish Group's review.

6. Recommendations

The Outside Bodies Task and Finish Group recommend:

- 1. That with effect from the commencement of the municipal year 2024/25, Southend City Council no longer appoint representatives to the outside bodies tabled in Appendix 1.**
- 2. That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled in Appendix 2.**
- 3. That the number of Outside Bodies to which the Council currently appoints Councillor representatives is regularly reviewed using an appropriate set of criteria for establishing whether Councillor representation is appropriate. An annual 'light-touch' review should be undertaken each year by Democratic Services and Executive Directors, with a more detailed review to be undertaken in consultation with Councillors every 4 years (or as appropriate). The criteria to which appointments should be made to an Outside Body are where:**
 - a) The authority has a statutory duty to be involved.**
 - b) It is essential to the work of the Council and delivery of its service area.**
 - c) Cabinet Members / Councillors are required to attend because of their specific role in the Council.**
 - d) The Outside Body / City Council would derive a significant benefit from the engagement of a Councillor.**
- 4. That consideration be given to appointing Councillors according to their knowledge and expertise of a subject.**
- 5. That all Councillors who are appointed to Outside Bodies will be expected to provide a monthly update (if appropriate) and an annual report to feedback any key points from their attendance on the Outside Bodies (reporting**

template attached at Appendix 3).

6. That Democratic Services support Councillors appointed to Outside Bodies by Council or Cabinet, in accordance with the process set out at Appendix 4.
7. As part of the induction process Councillors are supported in developing an understanding of their role and responsibilities regarding participation on Outside Bodies and provided with appropriate guidance. Role Profile attached at Appendix 5.
8. That an Outside Body is free to request an alternate Council representative on the understanding that the replacement will be chosen by Council, not the outside body (for example, repeated non-attendance at meetings without good reasons offers valid grounds for an Outside Body to request an alternate Council representative).
9. An Outside Body is free to inform the Council at any time that Council representation is no longer required (if its Constitution allows it to do so).
10. That for ease of reference, Cabinet Member only appointments be separated (if possible) from the main Outside Bodies appointee list but circulated for information only.
11. That nominations to Local Government Association sub-groups, special interest groups or commissions be determined by the Leader of the Council (as Cabinet Member appointments).
12. That officer only memberships should be removed from the Outside Bodies appointment list, as this is dealt with under a separate process.

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Appendix 1: Appointments to cease.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council no longer appoint representatives to the outside bodies tabled.

No.	Title	Group	Number of appointments	Notes
1	1312 (Southend-on-Sea) Squadron Air Training Corps: Civilian Welfare Committee	Other Body	1 x Councillor	No response from organisation and no Councillor attendance for 2+ years. Proposed to withdraw.
2	Active Southend	Other Body	4 x Councillors, 1 x Officer	The work of Active Southend is carried out by a subgroup, GetActive. They can provide relevant updates. Proposed to withdraw at this time.
3	British Destinations	National body operates in the manner of a trade association	1x Councillor, 1 x Substitute	Following consultation with Executive Directors, it is proposed to withdraw.
4	Disabled Information Advice Line Southend	Other Body	1 x Councillor	Dial Southend – ceased operation in March 2018. To delete.
5	Essex & Southend Member Joint Project Board (Waste)	Wider Essex Body	3 x Councillors	Task Group recommend deletion as it is understood to be an inactive subgroup of Essex Waste Partnership.
6	Essex Outward Bound Association	Other Body	1 x Councillor	Defunct organisation, to delete.
7	Essex Waste Partnership - Inter Authority Member Working Group	Wider Essex Body	1 x Councillor, 1 x Substitute	Task Group recommend deletion as it is understood to be an inactive subgroup of Essex Waste Partnership.
8	Key Cities	Other Regional Body	1 x Councillor, 1 x Substitute	Executive Director has advised that Southend will be withdrawing, to remove from the list.
9	Leigh Port Partnership	Other Body	1 x Councillor	This is not a Board membership position. No meetings involving the last 2 appointed Councillors have taken place. Proposed for

Appendix 1: Appointments to cease.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council no longer appoint representatives to the outside bodies tabled.

				withdrawal and suggested that organisation to invite Councillors as and when appropriate.
11	National Association of Councillors	Other Regional Body		Proposed to withdraw as queried whether this provided added value.
12	North Sea Commission			Proposed to withdraw for new municipal year following feedback from Councillors who had been previously appointed.
13	Opportunity South Essex	SELEP Body	1x Councillor, 1 x Substitute, 1 x Officer	This organisation will come to an end on 31 March 2024 so will not need re-electing.
14	PSP Southend LLP	Joint Venture	3 x Councillors	This partnership is being dissolved and so should be deleted.
15	SOS Domestic Abuse Project	Other Body	2 x Councillors	Organisation ceased trading in 2019. To delete.
16	South East Local Enterprise Partnership (SELEP)	SELEP Body	1x Councillor, 1 x Substitute, 1 x Officer, 1 x Officer Substitute	This organisation will come to an end on 31 March 2024 so will not need re-electing.
17	South Essex Relate Executive Committee	Other Body	1 x Councillor	No evidence this has been meeting – the Southend branch is understood to be defunct, and it is proposed to delete (Relate operates in Basildon).
18	Southend Business and Community Charter - Charter Committee	Other Body	1 x Councillor	Executive Director and Cabinet Member advised that this is not in existence.

Appendix 1: Appointments to cease.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council no longer appoint representatives to the outside bodies tabled.

19	Southend-on-Sea Access Group	Other Body	2 x Councillors	Defunct. Relates to a policy which has been superseded. To delete.
20	Southend-on-Sea Compact Action Group	Other Body	5 x Councillors	No longer in existence. Relates to a policy which has been superseded. To delete.
21	Thames Gateway South Essex Transport Board	Thames Gateway	1 x Councillor, 1 x Substitute	No longer in operation. To delete.
22	Southend University Hospital NHS Foundation Trust	NHS Body	1 x Councillor	The name of this organisation has changed – is replaced by Mid and South Essex Integrated Care Partnership on the appointments list for which the relevant Cabinet Member is appointed to.

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Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

No.	Title	Group	Number of appointments	Notes
1	A Better Start Southend Partnership Board	Partner Organisation	1 x Councillor, 4 x Officers	Active and Cabinet Member confirmed that they have been attending meetings.
2	Age Concern	Other Body	1 x Councillor	Active and response received.
3	Anglian Eastern Regional Flood Coastal Committee	Other Regional Body	1 x Councillor	Active, Cabinet Member appointment.
4	Chair of Audit Committees Forum - Eastern Region	Regional Body	1 x Councillor	Active and meets regularly.
5	Citizens Advice	Other Body	1 x Councillor	Councillor feedback received. Active and meets regularly.
6	East of England LGA Local Government Employers Panel	LGA Body	2 x Councillors	This is one of the various sub-groups of LGA (all of which are Cabinet Member appointments). For ease of reference, it is proposed that all LGA subgroups (Cabinet Member only appointments) are for determination by the Leader.
7	East of England Local Government Association	LGA Body	1x Councillor, 1 x Substitute	As above, for determination by the Leader
8	East of England Strategic Authority Leaders Group	East of SEngland Body	1x Councillor, 1 x Substitute, 1 x Officer	As above, for determination by the Leader.
9	Essex Waste Partnership Board	Wider Essex Body	1 x Councillor	Active and response received. Usually meets 2/3 times per year.

Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

10	Essex Chief Executive Leaders' Group – rename to Essex Leaders and Chief Executives (ELCE)	Wider Essex Body	1x Councillor, 1 x Substitute, 1 x Officer	Advised that this body has different name to that listed.
11	Essex Heritage Trust	Other Body	1 x Councillor	Response received, active. Annual meeting held once a year. Trustees meet 3 times a year.
12	Essex Partnership University NHS Foundation Trust (EPUT)	NHS Body	1 x Councillor	Held by Cabinet Member. 4 x Council of Governors Meetings, 1 x AMM meeting per year + any other activities.
13	Essex Pension Fund Strategy Board	Wider Essex Body	1 x Councillor	Feedback received – active.
14	Essex Police, Fire and Crime Panel	Wider Essex Body	1 x Councillor	5-6 formal panel meetings per year. Held in person at County Hall, Chelmsford. Prior to each panel meet is a pre-meeting held on MS Teams. There are two sub-committees which some Panel Members are appointed to and a number of working groups, workshops and an induction session.
15	Homeless Action Resource Project (HARP)	Other body	1 x Councillor	To continue.
16	Jazz Centre UK	Other Body	1 x Councillor	Active.
17	Kent & Essex Inshore Fisheries and Conservation Authority	Other Regional Body	1 x Councillor	4 meetings per year, normally 4 hours each. Meetings are in the day time - January, May, September and November. SCC member currently holds the position of Chair.
18	Local Government Association Coastal Issues Interest Group <i>Rename to:</i>	LGA body	1 x Councillor, 1 x Officer	Amend title to LGA Coat Special Interest Group. This is one of the various sub-groups of LGA (all of which are currently held by Cabinet Members). For ease of reference, it is proposed that all LGA subgroups

Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

	LGA Coast Special Interest Group (SIG)			(Cabinet Member only appointments) are for determination by the Leader.
19	Local Government Association General Assembly	LGA Body	4 x Councillors	The Leader of the Council must be one of the appointed Members.
20	Local Government Association Urban Commission	LGA Body	1 x Councillor, 1 x Officer	For ease of reference, it is proposed that all LGA subgroups (Cabinet Member only appointments) are for determination by the Leader.
21	London Southend Airport Consultative Committee	Partner Organisation	4 x Councillors, 2 x Officers	Meets each quarter. 4 meetings per year, 2 hours per meeting held between 2pm-4pm. Meeting dates and reports available on the website. Cllr has provided feedback and that the meetings are beneficial.
22	Mid and South Essex Integrated Care Partnership			Cabinet Member is currently the Vice-Chair. Active, meets approx. 7 times per year. Dates and minutes available on website. Cabinet Member appointment.
23	PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	Other Body	1 x Councillor	Statutory body. Requires appointment.
24	Safe Steps	SCC Commissioned Provider	1 x Councillor	Active and response received.

Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

25	South Essex Advocacy Services (SEAS)	Other Body	1 x Councillor	Active and response received. Updated contact details.
26	South Essex Alliance of Landlords and Residents (SEAL)	Other Body	1 x Councillor	Active and Councillor response received.
27	South Essex Councils	Regional body	1 x Councillor, 1 x Substitute	Active and meets regularly. Meeting minutes are regularly received by Policy & Resources Scrutiny Committee. Leader appointment.
28	South Essex Homes Board	Trading Company	3 x Councillors	To remain.
29	Southend Association of Voluntary Services	Other Body	1 x Councillor	To remain.
30	Southend Boys and Southend Girls Choir Trust	Other Body	1 x Councillor	This was removed from the Outside Bodies list at Appointments Council in May 2023. The Choirs' Trust have expressed that they would like to have a representative.
31	Southend Business Improvement District Committee Southend <i>Rename: CITY Business Improvement District</i>	Partner Organisation	1 x Councillor	Active. Part of Growth Strategy.
32	Southend Business Partnership Executive Committee	Other Body	1 x Councillor	Active.
33	Southend Community Safety Partnership Board	Other Body	1 x Councillor	Meets quarterly.

Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

34	Southend Education Board	Partner Organisation	1 x Councillor	Active, Cabinet Member appointment.
35	Southend-on-Sea Forum Management Ltd	Joint Venture	2 x Councillors	Active.
36	Southend Pier Museum Trust	Other Body	1 x Councillor	Active and response received.
37	Southend SEND Independent Forum (SSIF)			<p>Councillor Cowdrey has identified this as a potential organisation to appoint to.</p> <p>This is a commissioned group, independent of the council, made up of volunteers, who are responsible for representing the voice of parents and career of children with SEND. They would like to hold termly meetings with the portfolio holder and shadow portfolio holder to enable a two-way information sharing platform.</p>
38	Southend Strategic Business Partnership (Essex Chambers of Commerce)			Attended by Leader and Portfolio Holder for Economic Growth and Investment (not as formal board members)
39	Southend Strategic Safeguarding Board - Adults	Other Body	1 x Councillor	Active. Cabinet Member appointment.
40	Southend Strategic Safeguarding Board - Children	Other Body	1 x Councillor	Active
41	Southend Tourism Partnership	Other Body	1 x Councillor	Active. Details on website. Part of Growth Strategy.
42	Southend SEND Strategic Partnership Board	Partner Organisation	1 x Officer	Officer only membership. Remove from the appointment list, separate process.

Appendix 2: Outside Bodies to appoint.

That with effect from the commencement of the municipal year 2024/25, Southend-on-Sea City Council appoint representatives to the Outside Bodies tabled.

43	Southchurch Hall Inspirational Parkers (S.H.I.P)			Purpose: As friends of SCC Parks we maintain and keep clean Southchurch Hall Gardens. We also keep safe and make the green historical grounds safe and inviting. We raise awareness of its historical value working alongside Essex Police we protect and raise awareness of heritage crime.
44	Southend Local Bus Forum			Attended by Portfolio Holder for Highways, Transport and Parking and the main opposition group Shadow Councillor.
45	Southend Local Bus Board			Portfolio Holder and Shadow Portfolio Holder sitting on the Board.
46	Transport East		2 x Councillor	Attended by Leader and Portfolio Holder for Economic Growth and Investment (not as formal board members)

Members on Outside Bodies

Annual Feedback Form 2023/24

Name of Councillor(s):

Name of Outside Body:

Number of meetings attended in 2023/24 and venue:

Please state the total number of meetings you were invited, and how many of these you attended.

Reporting activities undertaken in this municipal year, including type and where feedback given. Please include relevant documents if appropriate (e.g. reports and hyperlinks).

Were there any key risks to mitigate or actions needed by the Council in relation to this Outside Body during 2023/24

Please explain how this was reported and any action taken.

Do you have any comments or issues from the outside body representation to be carried forward into the next municipal year?

Were any expenses claimed:

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Appointment to Outside Body Information Sheet

What Happens Next

On appointment to an outside body, the Democratic Services team will contact that outside body to update them of your appointment and pass on your contact details

Stephanie Cox, (Principal Democratic Services Officer) will provide assistance if further forms need to be supplied to the outside body for their own governance purposes, or if photographs are required for their own website.

Training and Support

There are a range of roles undertaken by Councillors across outside bodies. If having spoken to a representative from the outside body you are appointed to, and you feel you would like further details, support, guidance or training, please do not hesitate to contact Democratic Services who will look at what provision can be put in place to support you in this role.

Feeding Back

The roles undertaken by Councillors across outside bodies vary and may be relevant to whole Council Membership, fellow Ward Members or Members in a more place-based setting.

Members are asked to consider the most appropriate way to feedback relevant information to other Councillors on the work being undertaken by the outside body they sit on.

Some suggested ways to feedback are set out below:

- Email updates – representatives should forward Democratic Services any email updates from the outside body, for forwarding to all Councillors on a monthly or quarterly update, as appropriate.
- Through Councillors own informal networks
- Member briefings where a wider dissemination of information and knowledge is desirable.
- An 'Annual Feedback' form. Representatives are required to submit an 'end-of-year' report.

Councillors appointed as a representative to an outside body would be expected in future to feedback using a combination of these methods, with a minimum expectation of completing an 'Annual Feedback' form at the end of each municipal year. This would also assist with keeping the appointment list up-to-date as part of an annual 'light-touch' review.

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Role Profile – Member Representatives on Outside Bodies

A Member representative on an Outside Body is expected to:

1. make themselves aware of what the Outside Body expects from them. In so doing, a representative may seek information from the Outside Body in relation to its Constitution, Terms of Reference, accounts etc;
2. operate within the rules and/or Constitution of the Outside Body (NB Representatives will not disclose any information that is confidential to the Outside Body);
3. attend meetings of the Outside Body to which appointed;
4. report on the activities of the Outside Body; the impact of those activities on Southend-on-Sea City and Council Service Delivery in order to keep the Council informed (NB. the production of such reports will also allow the Council to evaluate the value and benefit of its continued membership);
5. take an active and informed role in the affairs of the Outside Body;
6. make independent personal judgements in line with their Duty of Care to the Outside Body. In so doing, to ensure that they are not representing the views and political position of their own political party;
7. make decisions that are in the best interests of the Outside Body. However, representatives should always ensure that their fellow Directors / Trustees are aware of the fact that they are Councillors;
8. inform local Ward Members when matters specifically relating to their local Ward(s) are to be discussed at a future Outside Body meeting; and
9. ensure that allocated Council funding (if any) is being used wisely and properly.

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Meeting: Council
Date: 21 March 2024
Classification: Part 1 Public report
Key Decision: N/A
Title of Report: **Standing Orders: Changes to Council Meeting Procedures**

Executive Director: Claire Shuter - Executive Director (Strategy & Change)
Report Author: Susan Zeiss - Director of Legal & Democratic Services
Executive Councillor: Cllr Cox – Leader of the Council

1. Executive Summary

- 1.1. The Council meeting is a public debate between all Councillors. To engage effectively with the public, rules are set out to govern the debate. This report proposes changes to those rules to make the meetings more effective. Those rules are known as ‘standing orders’.

2. Recommendation

- (1) That Council adopts the proposed changes to the Council Procedure Rules as set out in Appendix A.
- (2) That the separate procedure rules for Committees, Overview and Scrutiny Committees and Working Parties as set out in Appendices B, C & D to this report be agreed.
- (3) That minor revisions to the Contract Procedure Rules & Finance Procedure Rules, to make clear the procedures for key decisions relating to contracts, be agreed.
- (4) That the Monitoring Officer be authorised to make minor revisions to the Constitution in response to organisational changes as necessary and appropriate.

3. Background

- 3.1. The Councillors and the Monitoring Officer have discussed procedures to improve debate in the Council Chamber, greater transparency for determining how public funds are spent, particularly around contracts, improved engagement regarding the public in councillors questions and general house-keeping of the Constitution.

3.2. The proposed amendments as set out in this report have been discussed and endorsed by the General Purposes Committee at its meeting on 6th February 2024.

4. Reasons for Decisions

4.1. Explanations for the changes are as follows:

Notice of amendments to motion

4.2. The proposal is to amend the standing orders so that amendments to motions should be delivered to the Monitoring Officer at least 1 (one) clear working day prior to the Council meeting.

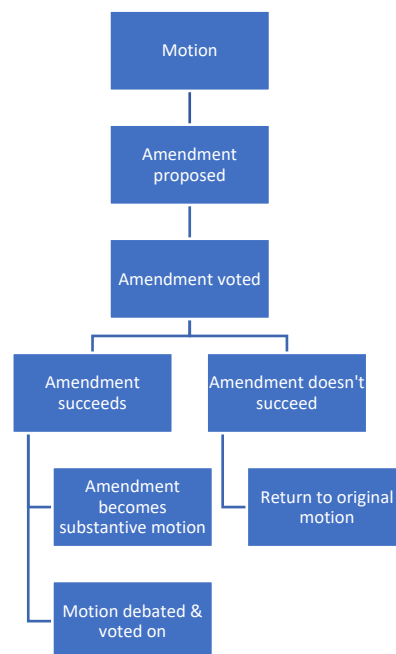
4.3. This change allows time for the Monitoring Officer to advise the Mayor on whether the amendment is proper and can be accepted by the Mayor. The Monitoring Officer makes no determination on the issue under debate, that is for the Councillors. The Monitoring Officer is responsible for ensuring the amendment does not negate or alter the purpose of the motion.

4.4. The outcome of this change will ensure that amendments do not delay the debate in the Chamber whilst the Monitoring Officer advises on the efficacy of the amendment. It should support the flow of debate making this easier for the public to understand the points being made.

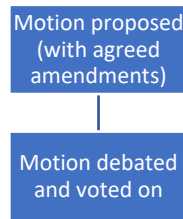
4.5. Most Councillors are in support of this change.

Moving amendments as part of the motion

4.6. A motion is published with the agenda and reports. The process of debate on amendments is currently as follows:



- 4.7. This proposal allows the owner of the motion to accept an amendment and move only the amended motion for debate. The process will be as follows:



- 4.8. This allows for the debate to focus on the motion rather than focusing primarily on the amendment. It supports good debate where there is no dispute between the proposer of the motion and the proposer of the amendment.
- 4.9. Most Councillors support this proposal, although one has pointed out that Councillors will lose the right to decide whether they accept the amendment or not.

Urgent amendments

- 4.10. Most Councillors have agreed that the Mayor should be allowed to accept urgent amendments during the debate provided that:
- The amendment is urgent and could not be notified in advance of the meeting, and
 - The group leaders signify their agreement to the amendment without a vote, and
 - The Mayor gives his consent to the amendment

Group Leaders speeches

- 4.11. There was no general consensus regarding the time to be allotted between group leaders and non-group leaders for speeches. Most of the group leaders agreed the principle that speaking time ought to be allocated more fairly between those with larger groups when compared with non-aligned Councillors, who each currently have the same individual speaking time as the Leader.
- 4.12. The following principles emerged from the discussions:
- time ought to be allocated in proportion to the number of Councillors the group leaders represented, which would indicate an annual calculation of time agreed at the AGM for each group;
 - that non-aligned Councillors ought to have speaking time, but a fixed time allotted to them, indicating in advance of the meeting who wished to speak;
 - the Leader should retain the right of reply to group speeches.

- 4.13. There were a number of Councillors who agreed it would be good practice to see a summary of the Leader's speech in advance of the meeting so that this could assist debate. This is a matter for the Leader and no changes are therefore proposed to the Constitution.
- 4.14. An amendment is proposed allowing the group leaders to agree for the civic year the allocation of time to group and non-aligned Councillors prior to the annual meeting.

'Need to know'

- 4.15. At present, the Constitution contains a standard provision that only Councillors appointed to the relevant Committee or Scrutiny Committee may see exempt papers. Other Councillors may only see exempt papers where they can demonstrate a 'need to know' to the Monitoring Officer.
- 4.16. There was general agreement that all Councillors ought to be granted access to view exempt papers, other than those relating to employment matters. This has been a long-held practice at Southend City Council and it relies upon trust and confidence amongst Councillors to act in the best interests of the Council. It is recommended to amend the Constitution to reflect this practice.

Questions from Councillors and the public

- 4.17. There have been a considerable number of questions from Councillors and the public at each Council meeting. This has meant that questions remain unanswered or time allotted for questions has been exceeded.
- 4.18. There was considerable support from Councillors to publishing a response to questions in advance of the Council meeting to assist in being more open and transparent with the public.
- 4.19. A proposal is therefore made that Councillor questions are submitted at least 6 (six) clear working days in advance of the meeting, allowing responses to those questions to be published at least 1 (one) clear working day in advance of the meeting.

Key decisions

- 4.20. Key decisions are defined in Article 13.03 Constitution. This requires any decision above £250K spend or savings to require a decision by the Cabinet, Cabinet Member or Officer to be on the Forward Plan.
- 4.21. The Contract Procedure Rules will be amended to clarify that any decision to award a contract above £250K must be on the Forward Plan and approved by either the Cabinet or Cabinet Member in preference to an officer decision.
- 4.22. Procedures relating to the approval of contract decisions by Cabinet Members have also been updated to support this process.

- 4.23. This will ensure that Councillors on the Overview and Scrutiny Committees also have greater oversight of executive decisions which can inform their work programme and assist with pre-scrutiny or call-in. It also provides greater transparency to the public regarding the use of public funds.

Housekeeping

- 4.24. There are numerous incorrect references in the Constitution to previous job descriptions that are no longer relevant to the Council's current structure.
- 4.25. Several incorrect references also relate to the former "SO46" procedure which is no longer relevant since the development of the Cabinet Member decision process.
- 4.26. Rather than bring these minor revisions to Council for approval, a proposal is made to allow the Monitoring Officer to make minor amendments to the Constitution consequential upon changes in organisational structures or for removal of invalid references.

5. Other Options

- 5.1. The Council could choose to retain the current version of the Constitution.

6. Financial Implications

- 6.1. There are no financial implications arising from these changes to the Constitution

7. Legal Implications

- 7.1. The Council is required to have a Constitution by section 9P of the Local Government Act 2000. This must contain its standing orders, Code of Conduct and a statement regarding its Overview and Scrutiny Committees.
- 7.2. Much of the Constitution sets out how the Council carries out its business and who is authorised to make decisions.

8. Policy Context

- 8.1 Ensuring the Council has an up to date and responsive Constitution ensures that the public has greater transparency regarding Council procedures.

9. Carbon Impact

- 9.1. There are no carbon impacts arising from this report.

10. Equalities

- 10.1. There are no direct equalities impacts arising from these changes

11. Consultation

- 11.1. All members of the Council have been consulted on these proposed changes.

12. Appendices

- 12.1. **Appendix A** – Part 4(a) – Council Procedure Rules (“Standing Orders”)
- 12.2. **Appendix A** – Part 4(a) – Council Procedure Rules (“Standing Orders”) with amendment without tracked changes
- 12.3. **Appendix B** – Procedural Rules (“Standing Orders”) relating to Cabinet, Committees and Sub-Committees
- 12.4. **Appendix C** – Procedural Rules (“Standing Orders”) relating to Overview & Scrutiny Committees & Health & Wellbeing Board
- 12.5. **Appendix D** – Procedural Rules (“Standing Orders”) relating to Working Parties

Part 4(a) – Council Procedure Rules (“Standing Orders”) **APPENDIX A**

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Contents

Standing Order	Page No.
1 Interpretation	1
2 Meetings of the Council	1
3 Annual Council – Appointment of Mayor and Deputy Mayor	2
4 Appointments at Special Council Following Annual Council	2
5 Ordinary Meetings	2
6 Council Tax Setting Meeting	3
7 Extraordinary Meetings	3
8 Council Quorum	4
9 Quorum at Cabinet, Committees, Working Parties, etc	4
940 Duration of Meetings of Council	4
11 Duration of Meetings of Cabinet, Committees and Sub-Committees	5
102 Mayor’s Speech	45
1143 Residents’ Question Time	5
124 Councillors’ Questions	65
135 Leader’s Speech	76
16 Question Time – Scrutiny Committees and Health & Wellbeing Board	7
17 Public Participation – Planning Applications	7
18 Public Participation – Traffic Regulation Orders	8
149 Presentation of Petitions	69
2015 Motions on Notice	74
1624 Motions without Notice	84
1722 General Limitations to all Motions	94
2318 Amendments to motions	9
19 Rules of Debate	102
2420 Points of Order and Personal Explanation	113
2521 Voting in Council Meetings	113
26 Voting in Cabinet, Committees and Working Parties and Other Bodies	14
227 Councillor’s Conduct	125
238 Disturbance by the Public	135
249 Exclusion of Public	135
30 Substitute Councillors	15
31 Meetings of the Cabinet	16
32 Meetings of Committees and Working Parties, etc	16
33 Working Parties	18
34 Attendance at Cabinet, Committee and Working Parties by Councillors	18
35 Standing Orders to apply to Cabinet, Committees, etc	20
2536 Suspension and Amendment of Council Rules	1324

Part 4(a) – Council Procedure Rules (“Standing Orders”)

Introduction

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

1. Interpretation

- 1.1 The Mayor shall be the final authority in the interpretation of these Rules and his/her ruling shall not be open to discussion.

2. Meetings of the Council

- 2.1 The Annual Meeting of the Council shall be held on the second Thursday in May or such other day as the Council may from time to time determine. The Appointments Council meeting shall be held as soon as possible after the Annual Meeting.

- 2.2 There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.

- 2.3 The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in their absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting 3.30pm
Ordinary Meetings 6.30pm

- 2.4 Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in their absence the Deputy Mayor in consultation with the Chief Executive.

- 2.5 Except in the case of an Extraordinary Meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the Annual Meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:

- (a) alter the date of the holding of the Annual Meeting or the date or time of any Ordinary or extraordinary meeting of the Council;
- (b) cancel an Extraordinary Meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
- (c) any reference to the Chief Executive in this Rule 2.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

- 2.6 At a meeting of the Council the Mayor, if present, shall preside.
- 2.7 If the Mayor is absent from a meeting of the Council, or if they are unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 2.8 If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.

3. Annual Council – Appointment of Mayor and Deputy Mayor

- 3.1 The matters to be considered at the Annual Meeting shall be:
- a) receive any apologies for absence from councillors;
 - b) receive any declarations of interest from councillors;
 - c) elect a Mayor;
 - d) elect a Deputy Mayor; and
 - e) hear speeches from the incoming Mayor and outgoing Mayor.

4. Appointments at Special Council Following Annual Council

- 4.1 The matters to be considered at the Appointments meeting shall be:
- a) elect a Leader of the Council if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**;
 - b) receive notice from the Leader of the Council who they are appointing as Deputy Leader of the Council;
 - c) receive notice from the Leader of the Council they are appointing to the Cabinet together with details of the portfolios;
 - d) appoint councillors and where appropriate substitute councillors (including Chairs and vice-Chairs) to committees;
 - e) appoint councillors to Working Parties, Forums, Panels and other bodies;
 - f) agree a timetable of meetings for all Committees etc for the Municipal Year; and
 - g) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree.

5. Ordinary Meetings

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
 - f) Receive any announcements from the Chief Executive;
 - g) deal with any business required by law;
 - h) receive questions from, and provide answers to, the public in accordance with Rule [113](#) below (limited to 30 minutes);

- i) receive questions from, and provide answers to, councillors in accordance with Rule 124 below (limited to 30 minutes);
- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 149;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

6. Council Tax Setting Meeting

6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:

- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
- b) receive any apologies for absence from councillors;
- c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
- d) receive declarations of interests from councillors;
- e) receive any announcements from the Mayor;
- f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 113 below (limited to 30 minutes);
- g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 124 below (limited to 30 minutes);
- h) consider proposals from the Leader in relation to the Council's budget;
- i) recorded vote on the Council's budget;
- j) set the council tax.

7. Extraordinary Meetings

7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.

7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.

7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that

the Mayor (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

8. Council Quorum

- 8.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of councillors are present (i.e. 13 councillors).
- 8.2 If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

~~9. Quorum at Cabinet, Committees, Working Parties, etc.~~

~~9.1 Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.~~

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~~9.2 The Quorum in respect of the Cabinet, Working Parties, Forums, Panels and other bodies shall be as set out in the Constitution and Terms of Reference of Cabinet, Committees etc. (Part 3 – Schedule 2).~~

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940. Duration of meetings of Council

940.1 Meetings of the Council will close three and a half hours after the time of the start of the meeting as advertised on the Agenda, except as determined below.

940.2 The Mayor may, at their discretion, suspend the meeting for such period of time that they consider necessary. If the meeting is suspended, for whatever reason, the length of time of the suspension will be added back to the meeting so that the meeting is in session for three and a half hours without the need to extend the meeting.

940.3 Meetings of Council shall terminate in the manner set out below unless:

- a) the business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
- b) by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time.
- c) No meeting of the Council, except the Budget meeting, shall continue beyond 11pm, save where required to deal with the matters as set out below.

940.4 When the meeting is to terminate, business will determined as follows:

- a) The Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
- b) Any speech in progress shall be immediately concluded;
- c) The Mayor will put any motion or recommendation then under consideration to the vote without further discussion;

- d) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary.

d)

~~11. Duration of Meetings of Cabinet, Committees and Sub-Committees~~

~~11.1 Subject to 11.2 below, no meeting of the Cabinet, a Committee or Sub-committee shall exceed three and a half hours in duration, unless it is decided by a simple majority to proceed with the consideration of the business remaining on the Agenda. If it is decided not to continue, the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Cabinet, Committee or Sub-Committee or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair of the body concerned.~~

~~11.2 Rule 11.1 shall not apply to meetings dealing with matters in relation to planning, licensing, staff appointments/appeals and meetings dealing with code of conduct determination hearings.~~

~~102. Mayor's Speech~~

~~102.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Mayor may provide an update on his/her ceremonial activities undertaken since the previous update to the Council meeting.~~

~~113. Residents' Question Time~~

~~113.1 At each ordinary meeting of the Council, there shall be 30 minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.~~

~~113.2 The procedure in relation to such questions shall be as follows:~~

- a) A person resident in Southend may, if the question has been submitted in writing to the Committee Section (email: committeesection@southend.gov.uk) not later than 12.00 hrs, 9 clear working¹ days before the date of the meeting of the Council, ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed 150 words in length.
- b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

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- c) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply shall be provided.
- d) There shall be no speech or discussion allowed on any question or reply.
- e) Not more than two questions may be asked by any one person at any one meeting.
- f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

124. Councillors' Questions

124.1 There will be a period of up to 30 minutes for councillors to ask questions and obtain answers from the Leader and Cabinet Members.

124.2 The procedure for councillors' questions shall be as follows:

- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
 - (i) Questions are submitted in writing to the Committee Section (committeesection@southend.gov.uk) not later than ~~65~~ clear working days¹ before the date of the meeting.
 - (ii) Questions do not exceed 150 words in length; and
 - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
- b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
- ~~c)~~ c) The question put by a councillor and the answer shall be published at least 24 hours before the start of the meeting and at the meeting shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then their question may be dealt with orally.
- ~~d)~~ d) Published answers must not exceed 2500 words in length
- ~~e)~~ e) No discussion shall take place on any question or answer.
- ~~f)~~ f) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
- ~~g)~~ g) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if they consider that it is inappropriate.
- ~~h)~~ h) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
- ~~h)~~ h) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

ii) If the councillor asking the question is not present at the meeting, the question and answer shall ~~not be read out, be circulated in writing to councillors.~~

135. Leader's Speech

135.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Leader of the Council may give an update report on the work of the Council. The Leader may make a speech of up to four minutes. The Leader(s) of the opposition group(s) and non-aligned councillors may each make a speech in response of up to four minutes. The Leader of the Council may reply with a speech of up to four minutes. The total time for speeches shall not exceed 30 minutes.

~~13.2 The time allotted to the Leader, the Leaders of each of the opposition groups and non-aligned councillors will be determined at the annual meeting for that civic year.~~

~~16. Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board~~

~~16.1 Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:~~

~~(a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days⁴ before the date of any Scrutiny Committee / Health & Wellbeing Board, ask any question relating to the business of the Committee / Board, provided that if it is a special meeting of the Committee / Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.~~

~~(b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.~~

~~(c) If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.~~

~~(d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.~~

~~(e) Not more than one question may be asked by any one person at any one meeting.~~

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17. Public Participation in Respect of Planning Applications

- (a) ~~If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, they must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.~~
- (b) ~~An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.~~
- (c) ~~Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.~~
- (d) ~~Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.~~
- (e) ~~Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.~~
- (f) ~~An objector or applicant / supporter may be represented by an agent at the Committee.~~
- (g) ~~Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee, then the applicant will be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.~~

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18. Public Participation in Respect of Traffic Regulation Orders[†]

- (a) ~~Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.~~
- (b) ~~A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.~~
- (c) ~~Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.~~
- (d) ~~Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.~~

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[†] **Note:** This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.

~~(e) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.~~

~~(f) The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.~~

149. Presentation of Petitions

149.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.

149.2 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least 12 clear working days¹ before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).

149.3 A petition can be presented at Council if:

- (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
- (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
- (c) It asks for action to be taken or ceased.

149.4 A petition shall not be presented at Council if:

- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
- (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
- (c) It criticises the conduct of a named individual;
- (d) It is vexatious or abusive or otherwise inappropriate;
- (e) It is identical or similar to a petition submitted in the past 6 months; or
- (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.

149.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.

149.6 Petitions shall be presented in the order in which notice of them is received by the Committee Section.

149.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

15.20 Motions on Notice

15.20.1 Except for motions which can be moved without notice ~~under Rule 21~~, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day¹ before the date of the Council meeting.

~~Any amendments to a motion must be submitted to the Chief Executive at least 24 hours before the Council meeting.~~

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15.220.2 The Monitoring Officer may reject a motion if it:

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
- (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
- (iii) is defamatory, frivolous or offensive;
- (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.

15.320.3 Motions on Notice will be included on the agenda in the order that they are received.

15.420.4 No councillor shall move more than one Motion on Notice at the same meeting.

15.520.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.

15.620.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion ~~(or amended motion)~~, it will be referred to Cabinet for decision.

15.720.7 If a subject matter of the motion falls within the remit of full Council ~~(non-executive matters)~~, the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).

15.820.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule ~~940.4~~

15.920.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, they may do so with the consent of the seconder.

15.1020.10 For the avoidance of doubt there will be no provisions for questions.

¹ Clear working days¹ exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

~~15.1120.14~~ — Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

1624. Motions without notice

~~16.24.1~~ The following motions may be moved without notice:

- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or councillor arising from an item on the summons for the meeting;
- f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
- g) to withdraw a motion;
- g)h) to propose an urgent amendment to the motion
- ~~h) to amend a motion or recommendation;~~
- i) to proceed to the next business;
- j) that the question be now put;
- k) to extend the time limit of speeches;
- l) that the meeting or debate or motion be adjourned;
- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 940);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

16.2 The Mayor will decide whether an amendment is urgent provided that

- (a) the motion could not have been submitted 1 clear working day in advance
- (b) the Leader and opposition group leaders have signified their consent (without vote) to the amendment being considered

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1722. General Limitations to all Motions

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~~1722.1~~ The following limitations shall apply to all forms of motion and amendment.

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- ~~b) An amendment shall be relevant to the motion and shall be either to:~~
 - ~~(i) leave out words;~~
 - ~~(ii) leave out words and insert or add others;~~
 - ~~(iii) insert or add words;~~

~~(iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-consideration~~

~~as long as the effect of (i) to (iii) is not, in the opinion of the Mayor, to negate the motion or materially change the content or purpose of the motion. Where the proposer of an amendment is unsure whether the amendment complies with the above Rule, they are to seek the early views of the Monitoring Officer before the amendment is formally submitted.~~

~~e)b) In relation to motions without notice (Rule 1624), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.~~

~~e)c) The Mayor will allow such time as they consider appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.~~

~~e)d) The right of reply shall not extend to the mover of any amendment.~~

~~f)e) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.~~

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18. Amendments to motions

18.1 Any amendments to a motion (other than amendments to the budget proposals) shall be submitted to the Monitoring Officer at least 1 clear working day in advance of the meeting¹

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18.2 An amendment shall be relevant to the motion and shall be either to:

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(i) leave out words;

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(ii) leave out words and insert or add others;

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(iii) insert or add words;

(iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-consideration

18.3 The Monitoring Officer shall advise the Mayor whether the amendment can be accepted provided that the effect of (i) to (iii) does not, in the opinion of the Monitoring Officer, negate the motion or materially change the content or purpose of the motion.

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18.4 The Monitoring Officer shall, with the consent of the proposer of the amendment circulate the amendment in advance of the meeting to the Leader and the opposition group leaders and non-group members.

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18.5 The holder of the motion may accept the amendment and move the amended motion for debate as the substantive motion

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18.6 Where the amendment is debated and carried, the motion as amended shall take the place of the original motion and shall become the motion upon which only further urgent amendments may be moved.

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18.7 3.12 Where a formal amendment to the Budget proposals is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy

¹ Clear working day excludes Saturday, Sunday, Bank Holidays, the day the amendment is submitted and the day of the meeting

Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case.

~~182.8~~ ~~3.13~~ Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

~~20~~ ~~**Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board**~~

~~16.1 Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:~~

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~~(a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days¹ before the date of any Scrutiny Committee / Health & Wellbeing Board, ask any question relating to the business of the Committee / Board, provided that if it is a special meeting of the Committee / Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.~~

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~~(b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.~~

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~~(c) If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.~~

~~(d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.~~

~~(e) Not more than one question may be asked by any one person at any one meeting.~~

~~17. Public Participation in Respect of Planning Applications~~

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~~(a) If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, they must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.~~

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~~(b) An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.~~

~~(c) Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.~~

~~(d) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.~~

~~(e) Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.~~

~~(f) An objector or applicant / supporter may be represented by an agent at the Committee.~~

~~(g) Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee, then the applicant will be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.~~

~~18. Public Participation in Respect of Traffic Regulation Orders[†]~~

~~(a) Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.~~

~~(b) A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.~~

~~(c) Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.~~

~~(d) Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.~~

~~(e) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.~~

~~(f) The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.~~

1923. Rules of Debate

1923.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.

1923.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.

[†] ~~Note: This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.~~

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1923.3 Whenever the Mayor speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.

1923.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an urgent amendment to be written down and handed to him/her before it is discussed.

1923.5 No speech may exceed 4 minutes without the consent of the Mayor except:

- At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out their priorities or to propose the Budget.
- The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.

1923.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell them to stop speaking.

1923.7 A councillor may speak only: -

- on motions or amendments; or
- to ask or answer questions under Rules 113 and 124; or
- to raise a point of order; or
- to make a personal explanation, or
- where the Mayor gives permission to a councillor to speak.

1923.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -

- the proposer of a motion who has a right of reply to the unamended motion / amended motion;
- a councillor may speak on a proposal to amend a motion on which they have already spoken.

1923.9 In the exercise of a right of reply, a councillor shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.

1923.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.

~~23.11 When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.~~

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~~23.12 Where a formal amendment to the Budget proposals is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case.~~

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~~23.13 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.~~

204. Points of Order and Personal Explanation

204.1 A councillor may at any time raise a point of order but when so doing, they shall specify the particular Rule or statutory provision which they allege has been breached or on which they otherwise rely, specifying in the case of a Rule the number and the relevant paragraph and the way in which they consider it has been breached.

204.2 Any councillor speaking at the time a point of order is raised, shall fall silent.

204.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.

204.4 A personal explanation may only be made by a councillor who –

- has spoken earlier in the debate then in progress who wishes to correct a misstatement they have made; or
- wishes to correct a statement made about them by the person then speaking; or
- wishes to correct a misquotation by the person then speaking of facts originally put by them earlier in the debate.

204.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

215 Voting in Council Meetings

215.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by electronic means or by a show of hands ~~(or where practical, by electronic means)~~. Subject to ~~Rule 25.2~~ the Mayor's casting vote, each councillor ~~entitled to vote~~ shall have only one vote.

215.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at their discretion.

215.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast their vote for or against the matter before the Council or whether they abstained from voting.

215.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept. ~~The procedure for such a vote is set out in 25.6.~~

~~215.5~~ ~~In addition to Rule 25.4,~~ if at a meeting any councillor, supported by six other councillors present demand a recorded vote by raising their hand and saying "named vote", prior to the Mayor calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.

~~215.6~~ The procedure for a recorded vote shall be as follows:

- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
- b) Each councillor shall answer "For", "Against" or "Not Voting".
- c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.

~~215.7~~ Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

~~26. Voting in Cabinet, Committees, Working Parties, Forums, Panels and Other Bodies~~

~~26.1~~ Any matter at meetings in Cabinet, Committee, Working Party, Forums, Panels and other bodies shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting. If at a meeting any councillor, supported in the case of the Cabinet or Committee by three other members and in the case of a Working Party, Forum, Panel or body by one other member, demand a recorded vote by raising their hand and saying "named vote", prior to the Chair calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.

~~26.2~~ Where immediately after a vote is taken by a show of hands, if any member so requires there shall be recorded in the Minutes of the proceedings of that meeting how that member gave his/her vote or whether they abstained from voting.

~~227. Councillor's Conduct~~

~~227.1~~ If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.

~~227.2~~ If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

~~227.3~~ If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

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238. Disturbance by the Public

238.1 If a member of the public interrupts proceedings, the Mayor will warn the persons concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

238.2 If there is general disturbance in any part of the meeting room open to the public, the Mayor may call that part to be cleared.

249. Exclusion of Public

~~29.1~~ 24.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution ~~or Rule 28.~~

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~~30. Substitute Councillors~~

~~30.1 Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.~~

~~30.2 A member of a Committee shall, if they wish a Substitute Councillor to attend a meeting of that Committee in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southond.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the Substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.~~

~~30.3 If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.~~

~~30.4 The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak in accordance with Standing Order 34.2.~~

~~30.5 A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.~~

~~30.6 The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all Substitute Councillors.~~

~~30.7 These arrangements shall apply in the same way in respect of Sub-Committees, Working Parties, Forums, Panels, and other bodies but not the Cabinet or Cabinet Committee which are regulated by Rule 30.8.~~

~~30.8 The Leader shall appoint a substitute for each of the Cabinet Members in order to cover their portfolio in the event they are absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.~~

~~31. Meetings of the Cabinet~~

~~31.1 In respect of any meeting of the Cabinet:~~

~~(a) The meeting shall be summoned by the Chief Executive.~~

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~~(b) — The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the digest of Cabinet proposals and the subsequent Cabinet minutes in accordance with the arrangements set out in the Constitution (see Scrutiny Procedure Rules in Part 4(e)).~~

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~~(c) — Every agenda shall be approved by the Chief Executive and shall where applicable be set out in two parts;~~

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~~Part 1 — Those items to be discussed in public, and~~

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~~Part 2 — Those items in respect of which, in the opinion of the Chief Executive, the meeting is not likely to be open to the public.~~

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~~32. — Meetings of Committees and Working Parties, etc~~

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~~32.1 — In respect of any meeting of the Council, a Committee, Working Party, Forum, Panel or other body:~~

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~~(a) — The meeting shall be summoned by the Chief Executive.~~

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~~(b) — The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.~~

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~~(c) — Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:~~

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~~Part I — Those items to be discussed in public, and~~

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~~Part II — Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.~~

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~~(d) — Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee, Sub-Committee or Working Party, provided:~~

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~~• — It is relevant to the business of that Committee, Sub-Committee or Working Party;~~

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~~• — The Councillor has been unable to resolve the matter through normal channels; and~~

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~~• — Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.~~

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~~On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.~~

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~~32.2 The Chief Executive may summon a special meeting of a Committee at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.~~

~~32.3 The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Committee may:~~

~~(a) alter the date or time of any ordinary or Special Meeting of a Committee; or~~

~~(b) cancel a Special Meeting of a Committee if, after consulting the Chair or, in his absence the Vice-Chair, both of them are agreed that the reason for convening the Special Meeting no longer exists or has been overtaken by events;~~

~~provided that the date and time of a Special Meeting of a Committee convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.~~

~~32.4 In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.~~

~~33. Working Parties~~

~~33.1 There shall be 2 types of working party:~~

~~i) Those that report exclusively to the Executive ("Cabinet Working Parties")~~

~~ii) Those that report to the Council ("Council Working Parties")~~

~~Cabinet Working Parties~~

~~33.2 A Cabinet Working Party may comprise any Councillor apart from the Mayor and Deputy Mayor.~~

~~33.3 Each Cabinet Working Party shall be appointed by the Council and shall include at least 3 Councillors. They may also include officers and Co-opted Members in appropriate cases.~~

~~33.4 Each Cabinet Working Party shall be chaired by the Leader or such other Cabinet Member as the Leader shall appoint. A Vice-Chair will be elected at the first meeting in each municipal year.~~

~~33.5 Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.~~

~~Council Working Parties~~

~~33.6 Each Council Working Party shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.~~

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~~33.7 With the exception of Scrutiny Working Parties / Panels which will be drawn from the membership of the parent Committee (and report to that parent Committee):~~

~~Each Council Working Party shall be appointed by the Council.~~

~~The Council will appoint the Chair and Vice-Chair of all Council Working Parties.~~

~~A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.~~

~~Council Working Parties shall report to the Council, either directly or through a Committee.~~

~~34. Attendance at Cabinet, Committee & Working Party Meetings by Councillors~~

~~Cabinet~~

~~34.1 A Councillor may attend a meeting of the Cabinet, but will only be entitled to speak on an item if they:~~

~~(a) are a Cabinet Member; or~~

~~(b) have been permitted by the Chair to speak.~~

~~For the avoidance of doubt only a Cabinet Member is permitted to vote on any item.~~

~~Committees and Sub-Committees~~

~~34.2 Subject to the interest rules in the Code of Conduct (Part 5(a)) and the provisos set out in (a) and (b) below, a Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if they:~~

~~(a) are a member of the Committee or Sub-Committee (or duly appointed substitute); or~~

~~(b) have been permitted by the Chair to speak; or~~

~~(c) have placed the item on the agenda under Rule 32.1(d) (but calling in an item is not sufficient); or~~

~~For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.~~

~~Provisos~~

~~(a) A Councillor may not attend a meeting of a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals and education appeals unless they are a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.~~

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~~(b) — A Councillor who attends a Committee or Sub-Committee, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.~~

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~~Working Parties, Panels & Forums Meeting in Public~~

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~~34.3 Subject to the interest rules in the Code of Conduct (Part 5(a)) and the proviso set out below, a Councillor may attend a meeting of any Working Party / Panel / Forum meeting in public, but will only be entitled to speak on an item if they:~~

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~~(a) — are a member of the Working Party / Panel / Forum (or duly appointed substitute); or~~

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~~(b) — have been permitted by the Chair to speak; or~~

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~~(c) — have placed the item on the agenda under Standing Order 32.1(d)~~

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~~For the avoidance of doubt, only a member of the relevant Working Party / Panel / Forum is permitted to vote on any item.~~

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~~Proviso~~

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~~A Councillor who attends a Working Party / Panel / Forum, of which they are neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.~~

~~Working Parties, Panels & Forums Meeting in Private~~

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~~34.4 Subject to the interest rules in the Code of Conduct (Part 5(a)) and the proviso set out below, a Councillor may attend a meeting of a Working Party / Panel / Forum meeting in private but only if they:~~

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~~(a) — are a member of the Working Party / Panel / Forum; or~~

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~~(b) — have been permitted by the Chair to attend; or~~

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~~(c) — have placed an item on the agenda under Standing Order 32.1(d), in which case the Councillor can be present for that item and shall have the right to speak; or~~

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~~(d) — can demonstrate a 'need to know' in respect of an item, in which case the Councillor can be present for that item, but has no right to speak.~~

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~~For the avoidance of doubt, only a member of a Working Party / Panel / Forum is permitted to vote on any item.~~

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~~Proviso~~

~~A Councillor who attends a Working Party / Panel / Forum, of which they are neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.~~

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~~35. Standing Orders to apply to Cabinet, Committees, etc~~

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~~35.1 The following Standing Orders of the Council shall also apply to Cabinet, Committees, etc. as indicated:~~

~~23. Rules of debate, except those that relate to length of speeches (23.5), speaking more than once (23.8) (Cabinet and Committees).~~

~~25.7. Voting on appointments (Cabinet and Committees).~~

~~27/28. Disorderly conduct (Cabinet and Committees).~~

~~29. Power to exclude the public (Cabinet and Committees).~~

2536. Suspension and Amendment of Council Rules

~~2536.1~~ In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

~~36.2 At meetings of the Cabinet, Committees, Working Parties, Forums, Panels and other bodies Procedural Rules shall not be suspended.~~

~~36.3 Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.~~

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Contents

Standing Order	Page No.
1 Interpretation	1
2 Meetings of the Council.....	1
3 Annual Council – Appointment of Mayor and Deputy Mayor	2
4 Appointments at Special Council Following Annual Council.....	2
5 Ordinary Meetings.....	2
6 Council Tax Setting Meeting	3
7 Extraordinary Meetings	3
8 Council Quorum	4
9 Duration of Meetings of Council	4
10 Mayor’s Speech	4
11 Residents’ Question Time	5
12 Councillors’ Questions.....	5
13 Leader’s Speech	6
14 Presentation of Petitions	6
15 Motions on Notice	7
16 Motions without Notice	8
17 General Limitations to all Motions	9
18 Amendments to motions.....	9
19 Rules of Debate	10
20 Points of Order and Personal Explanation	11
21 Voting in Council Meetings.....	11
22 Councillor’s Conduct	12
23 Disturbance by the Public.....	13
24 Exclusion of Public	13
25 Suspension and Amendment of Council Rules	13

Part 4(a) – Council Procedure Rules (“Standing Orders”)

Introduction

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

1. Interpretation

- 1.1 The Mayor shall be the final authority in the interpretation of these Rules and his/her ruling shall not be open to discussion.

2. Meetings of the Council

- 2.1 The Annual Meeting of the Council shall be held on the second Thursday in May or such other day as the Council may from time to time determine. The Appointments Council meeting shall be held as soon as possible after the Annual Meeting.

- 2.2 There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.

- 2.3 The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in their absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

- 2.4 Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in their absence the Deputy Mayor in consultation with the Chief Executive.

- 2.5 Except in the case of an Extraordinary Meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the Annual Meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:

- (a) alter the date of the holding of the Annual Meeting or the date or time of any Ordinary or extraordinary meeting of the Council;
- (b) cancel an Extraordinary Meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
- (c) any reference to the Chief Executive in this Rule 2.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

- 2.6 At a meeting of the Council the Mayor, if present, shall preside.
- 2.7 If the Mayor is absent from a meeting of the Council, or if they are unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 2.8 If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.

3. Annual Council – Appointment of Mayor and Deputy Mayor

- 3.1 The matters to be considered at the Annual Meeting shall be:
- a) receive any apologies for absence from councillors;
 - b) receive any declarations of interest from councillors;
 - c) elect a Mayor;
 - d) elect a Deputy Mayor; and
 - e) hear speeches from the incoming Mayor and outgoing Mayor.

4. Appointments at Special Council Following Annual Council

- 4.1 The matters to be considered at the Appointments meeting shall be:
- a) elect a Leader of the Council if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**;
 - b) receive notice from the Leader of the Council who they are appointing as Deputy Leader of the Council;
 - c) receive notice from the Leader of the Council they are appointing to the Cabinet together with details of the portfolios;
 - d) appoint councillors and where appropriate substitute councillors (including Chairs and vice-Chairs) to committees;
 - e) appoint councillors to Working Parties, Forums, Panels and other bodies;
 - f) agree a timetable of meetings for all Committees etc for the Municipal Year; and
 - g) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree.

5. Ordinary Meetings

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
 - f) Receive any announcements from the Chief Executive;
 - g) deal with any business required by law;
 - h) receive questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);

- i) receive questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 14;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

6. Council Tax Setting Meeting

6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:

- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
- b) receive any apologies for absence from councillors;
- c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
- d) receive declarations of interests from councillors;
- e) receive any announcements from the Mayor;
- f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);
- g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- h) consider proposals from the Leader in relation to the Council's budget;
- i) recorded vote on the Council's budget;
- j) set the council tax.

7. Extraordinary Meetings

7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.

7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.

7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that

the Mayor (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

8. Council Quorum

- 8.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of councillors are present (i.e. 13 councillors).
- 8.2 If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

9. Duration of meetings of Council

- 9.1 Meetings of the Council will close three and a half hours after the time of the start of the meeting as advertised on the Agenda, except as determined below.
- 9.2 The Mayor may, at their discretion, suspend the meeting for such period of time that they consider necessary. If the meeting is suspended, for whatever reason, the length of time of the suspension will be added back to the meeting so that the meeting is in session for three and a half hours without the need to extend the meeting.
- 9.3 Meetings of Council shall terminate in the manner set out below unless:
- a) the business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
 - b) by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time.
 - c) No meeting of the Council, except the Budget meeting, shall continue beyond 11pm, save where required to deal with the matters as set out below.
- 9.4 When the meeting is to terminate, business will determined as follows:
- a) The Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
 - b) Any speech in progress shall be immediately concluded;
 - c) The Mayor will put any motion or recommendation then under consideration to the vote without further discussion;
 - d) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary.

10. Mayor's Speech

- 10.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Mayor may provide an update on his/her ceremonial activities undertaken since the previous update to the Council meeting.

11. Residents' Question Time

- 11.1 At each ordinary meeting of the Council, there shall be 30 minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.
- 11.2 The procedure in relation to such questions shall be as follows:
- a) A person resident in Southend may, if the question has been submitted in writing to the Committee Section (email: committeesection@southend.gov.uk) not later than 12.00 hrs, 9 clear working¹ days before the date of the meeting of the Council, ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed 150 words in length.
 - b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
 - c) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply shall be provided.
 - d) There shall be no speech or discussion allowed on any question or reply.
 - e) Not more than two questions may be asked by any one person at any one meeting.
 - f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

12. Councillors' Questions

- 12.1 There will be a period of up to 30 minutes for councillors to ask questions and obtain answers from the Leader and Cabinet Members.
- 12.2 The procedure for councillors' questions shall be as follows:
- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
 - (i) Questions are submitted in writing to the Committee Section (committeesection@southend.gov.uk) not later than 6 clear working days² before the date of the meeting.
 - (ii) Questions do not exceed 150 words in length; and
 - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
 - b) The Monitoring Officer may reject a question if it:

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

² Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
- c) The question put by a councillor and the answer shall be published at least 24 hours before the start of the meeting and at the meeting shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then their question may be dealt with orally.
 - d) Published answers must not exceed 250 words in length
 - e) No discussion shall take place on any question or answer.
 - f) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
 - g) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if they consider that it is inappropriate.
 - h) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
 - i) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.
 - j) If the councillor asking the question is not present at the meeting, the question and answer shall not be read out.

13. Leader's Speech

- 13.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Leader of the Council may give an update report on the work of the Council. The Leader may make a speech of up to four minutes. The Leader(s) of the opposition group(s) and non-aligned councillors may each make a speech in response of up to four minutes. The Leader of the Council may reply with a speech of up to four minutes. The total time for speeches shall not exceed 30 minutes.
- 13.2 The time allotted to the Leader, the Leaders of each of the opposition groups and non-aligned councillors will be determined at the annual meeting for that civic year.

14. Presentation of Petitions

- 14.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 14.2 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least 12 clear working days¹ before the

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).

14.3 A petition can be presented at Council if:

- (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
- (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
- (c) It asks for action to be taken or ceased.

14.4 A petition shall not be presented at Council if:

- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
- (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
- (c) It criticises the conduct of a named individual;
- (d) It is vexatious or abusive or otherwise inappropriate;
- (e) It is identical or similar to a petition submitted in the past 6 months; or
- (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.

14.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.

14.6 Petitions shall be presented in the order in which notice of them is received by the Committee Section.

14.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

15 Motions on Notice

15.1 Except for motions which can be moved without notice, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day¹ before the date of the Council meeting.

15.2 The Monitoring Officer may reject a motion if it:

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
- (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (iii) is defamatory, frivolous or offensive;
- (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.

- 15.3 Motions on Notice will be included on the agenda in the order that they are received.
- 15.4 No councillor shall move more than one Motion on Notice at the same meeting.
- 15.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.
- 15.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion, it will be referred to Cabinet for decision.
- 15.7 If a subject matter of the motion falls within the remit of full Council (non-executive matters), the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).
- 15.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule 9.4
- 15.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, they may do so with the consent of the seconder.
- 15.10 For the avoidance of doubt there will be no provisions for questions.
- 15.11 Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

16. Motions without notice

- 16.1 The following motions may be moved without notice:
- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a committee or councillor arising from an item on the summons for the meeting;
 - f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
 - g) to withdraw a motion;
 - h) to propose an urgent amendment to the motion
 - i) to proceed to the next business;
 - j) that the question be now put;
 - k) to extend the time limit of speeches;
 - l) that the meeting or debate or motion be adjourned;

- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 9);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

16.2 The Mayor will decide whether an amendment is urgent provided that

- (a) the motion could not have been submitted 1 clear working day in advance
- (b) the Leader and opposition group leaders have signified their consent (without vote) to the amendment being considered

17. General Limitations to all Motions

17.1 The following limitations shall apply to all forms of motion and amendment.

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- b) In relation to motions without notice (Rule 16), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.
- c) The Mayor will allow such time as they consider appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.
- d) The right of reply shall not extend to the mover of any amendment.
- e) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.

18. Amendments to motions

18.1 Any amendments to a motion (other than amendments to the budget proposals) shall be submitted to the Monitoring Officer at least 1 clear working day in advance of the meeting¹

18.2 An amendment shall be relevant to the motion and shall be either to:

- (i) leave out words;
- (ii) leave out words and insert or add others;
- (iii) insert or add words;
- (iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-consideration

18.3 The Monitoring Officer shall advise the Mayor whether the amendment can be accepted provided that the effect of (i) to (iii) does not, in the opinion of the Monitoring Officer negate the motion or materially change the content or purpose of the motion.

¹ Clear working day excludes Saturday, Sunday, Bank Holidays, the day the amendment is submitted and the day of the meeting

- 18.4 The Monitoring Officer shall, with the consent of the proposer of the amendment circulate the amendment in advance of the meeting to the Leader and the opposition group leaders and non-group members.
- 18.5 The holder of the motion may accept the amendment and move the amended motion for debate as the substantive motion
- 18.6 Where the amendment is debated and carried, the motion as amended shall take the place of the original motion and shall become the motion upon which only further urgent amendments may be moved.
- 18.7 Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case.
- 18.8 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

19. Rules of Debate

- 19.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.
- 19.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.
- 19.3 Whenever the Mayor speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
- 19.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an urgent amendment to be written down and handed to him/her before it is discussed.
- 19.5 No speech may exceed 4 minutes without the consent of the Mayor except:
- a) At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out their priorities or to propose the Budget.
 - b) The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.
- 19.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell them to stop speaking.
- 19.7 A councillor may speak only: -

- a) on motions or amendments; or
- b) to ask or answer questions under Rules 11 and 12; or
- c) to raise a point of order; or
- d) to make a personal explanation, or
- e) where the Mayor gives permission to a councillor to speak.

19.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -

- a) the proposer of a motion who has a right of reply to the unamended motion / amended motion;
- b) a councillor may speak on a proposal to amend a motion on which they have already spoken.

19.9 In the exercise of a right of reply, a councillor shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.

19.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.

20. Points of Order and Personal Explanation

20.1 A councillor may at any time raise a point of order but when so doing, they shall specify the particular Rule or statutory provision which they allege has been breached or on which they otherwise rely, specifying in the case of a Rule the number and the relevant paragraph and the way in which they consider it has been breached.

20.2 Any councillor speaking at the time a point of order is raised, shall fall silent.

20.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.

20.4 A personal explanation may only be made by a councillor who –

- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement they have made; or
- b) wishes to correct a statement made about them by the person then speaking; or
- c) wishes to correct a misquotation by the person then speaking of facts originally put by them earlier in the debate.

20.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

21 Voting in Council Meetings

21.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by electronic means or by a show of hands. Subject to the Mayor's casting vote, each councillor shall have only one vote.

- 21.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at their discretion.
- 21.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast their vote for or against the matter before the Council or whether they abstained from voting.
- 21.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept.
- 21.5 If at a meeting any councillor, supported by six other councillors present demand a recorded vote by raising their hand and saying “named vote”, prior to the Mayor calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
- 21.6 The procedure for a recorded vote shall be as follows:
- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
 - b) Each councillor shall answer “For”, “Against” or “Not Voting”.
 - c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.
- 21.7 Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

22. Councillor’s Conduct

- 22.1 If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
- 22.2 If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 22.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

23. Disturbance by the Public

- 23.1 If a member of the public interrupts proceedings, the Mayor will warn the persons concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- 23.2 If there is general disturbance in any part of the meeting room open to the public, the Mayor may call that part to be cleared.

24. Exclusion of Public

- 24.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution.

25. Suspension and Amendment of Council Rules

- 25.1 In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

PROCEDURAL RULES RELATING TO CABINET, COMMITTEES AND SUB-COMMITTEES

Meetings of the Cabinet

1. For any meeting of the Cabinet:
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the digest of Cabinet proposals and the subsequent Cabinet minutes
 - (c) Every agenda shall be approved by the Chief Executive and shall where applicable be set out in two parts;

Part 1 – Those items to be discussed in public, and

Part 2 – Those items in respect of which, in the opinion of the Chief Executive, the meeting is not likely to be open to the public.

Meetings of Committees and sub-committees

2. For any meeting of a Committee or sub-committee
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:

Part I – Those items to be discussed in public, and

Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee or sub-committee provided:
 - It is relevant to the business of that Committee or sub-committee;
 - The Councillor has been unable to resolve the matter through other channels; and

- Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.
- 3. On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.
- 4. The Chief Executive may summon a special meeting of a Committee or sub-committee at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee.
- 5. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.
- 6. The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Committee may:
 - (a) alter the date or time of any ordinary or special meeting of a Committee; or
 - (b) cancel a special meeting of a Committee if, after consulting the Chair or, in his absence the Vice-Chair, both are agreed that the reason for convening the special meeting no longer exists or has been overtaken by events;

provided that the date and time of a special meeting of a Committee convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

- 7. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

Quorum at Committees

- 8. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.

Quorum at Cabinet

- 9. The Quorum for the Cabinet shall be as set out in the Constitution and Terms of Reference of Cabinet

Duration of Meetings of Cabinet, Committees and Sub-Committees

10. With the exception of matters referred to in (6) below, no meeting of the Cabinet, a Committee or sub-committee shall exceed three and a half hours in duration,
11. The Cabinet, Committee or sub-committee can suspend this procedure rule by a simple majority and proceed with the consideration of the business remaining on the Agenda.
12. If this procedure rule is not suspended the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Cabinet, Committee or Sub-Committee or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair of the Cabinet, Committee or sub-committee.
13. No limitation on the duration of meetings shall apply to meetings dealing with planning, licensing, staff appointments/appeals or code of conduct determination hearings.

Public Participation in Respect of Development Control Committee

14. If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, they must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.
15. An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
16. Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.
17. Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.
18. Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.
19. An objector or applicant / supporter may be represented by an agent at the Committee.
20. Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee, then the applicant will

be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.

Rules of Debate for Cabinet, Committees and sub-committees

21. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
22. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
23. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
24. The Chair may require an amendment to be written down and handed to him/her before it is discussed.
25. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
26. A councillor may speak only: -
 - a) on motions or amendments; or
 - b) to ask or answer questions where these rules permit or
 - c) to raise a point of order; or
 - d) to make a personal explanation, or
 - e) where the Chair gives permission to a councillor to speak.
27. The Chair may exercise a right of reply and shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
28. When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
29. Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

Voting in Cabinet, Committees and sub-committees

30. Any matter at meetings in Cabinet, Committee or sub-committee shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.

31. If at a meeting any councillor, supported in the case of the Cabinet, Committee or sub-committee by three other members demands a recorded vote by raising their hand and saying "named vote" prior to the Chair calling a vote, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.
32. Where immediately after a vote is taken by a show of hands, if any member so requires they can ask for their individual vote to be recorded in the minutes.

Councillor's Conduct for Cabinet, Committees and sub-committees

33. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
34. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
35. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public at Cabinet Committees and sub-committees

36. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
37. If there is general disturbance in any part of the meeting room open to the public, the Chair may call that part to be cleared.

Exclusion of Public from Cabinet, Committees and sub-committees

38. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 28.

Substitute Councillors for Committees and sub-committees

39. Each political group may nominate any number of its members to be appointed by the Council to act as substitute councillors on each Committee in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.

40. A member of a Committee shall, if they wish a substitute councillor to attend a meeting of that Committee in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the substitute councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
41. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of substitute councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.
42. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak
43. A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
44. The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all substitute Councillors.

Substitute Councillors for Cabinet

45. The Leader shall appoint a substitute for each of the Cabinet Members to cover their portfolio in the event they are absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

Attendance at Cabinet

46. A Councillor may attend a meeting of the Cabinet, but will only be entitled to speak on an item if they:
- (a) are a Cabinet Member; or
 - (b) have been permitted by the Chair to speak.

For the avoidance of doubt only a Cabinet Member is permitted to vote on any item.

Attendance at Committees and sub-committees

47. A Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if they:
- (a) are a member of the Committee or sub-committee (or duly appointed substitute); or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda
48. For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

Restrictions on attendance

49. A Councillor may not attend a meeting of a Committee or Sub-Committee meeting in private, to deal with employment issues and appeals and education appeals unless they are a member of that Committee or Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
50. A Councillor who attends a Committee or Sub-Committee, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.
51. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned to Council for approval and shall not take effect until the next meeting of the Cabinet, Committee or sub-committee.

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PROCEDURAL RULES RELATING TO OVERVIEW & SCRUTINY COMMITTEES & HEALTH & WELLBEING BOARD

Meetings of the Overview and Scrutiny Committees

1. In respect of any meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board:
 - (a) The meeting shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:

Part I – Those items to be discussed in public, and

Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee / Board, provided:
 - It is relevant to the business of that Committee / Board;
 - The Councillor has been unable to resolve the matter through normal channels; and
 - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.
2. On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.
3. The Chief Executive may summon a special meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.
4. The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Overview and Scrutiny Committee or Health & Wellbeing Board may:

- (a) alter the date or time of any ordinary or Special Meeting of a Committee / Board; or
- (b) cancel a Special Meeting of a Committee / Board if, after consulting the Chair or, in his absence the Vice-Chair, both of them are agreed that the reason for convening the Special Meeting no longer exists or has been overtaken by events;

provided that the date and time of a Special Meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

- 5. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

Quorum at Overview and Scrutiny Committee or Health & Wellbeing Board

- 6. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Overview and Scrutiny Committee or Health & Wellbeing Board unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.

Duration of Meetings of Overview and Scrutiny Committees

- 7. No meeting of an Overview and Scrutiny Committee or Health & Wellbeing Board shall exceed three and a half hours in duration, unless it is decided by a simple majority to proceed with the consideration of the business remaining on the Agenda. If it is decided not to continue, the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Overview and Scrutiny Committee or Health & Wellbeing Board or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair.

Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board

- 8. Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Overview and Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:

- (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days¹ before the date of any Scrutiny Committee or Health & Wellbeing Board, ask any question relating to the business of the Committee or Board, provided that if it is a special meeting of the Committee or Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.
- (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- (c) If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than one question may be asked by any one person at any one meeting.

Rules of Debate for Overview and Scrutiny Committee or Health & Wellbeing Board

- 9. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
- 10. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
- 11. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
- 12. The Chair may require an amendment to be written down and handed to him/her before it is discussed.
- 13. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or

other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.

14. A councillor may speak only: -

- a) on motions or amendments; or
- b) to ask or answer questions under Rules 13 and 14; or
- c) to raise a point of order; or
- d) to make a personal explanation, or
- e) where the Chair gives permission to a councillor to speak.

15. The Chair may exercise of a right of reply and shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.

16. When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Voting in Overview and Scrutiny Committee or Health & Wellbeing Board

17. Any matter at meetings in Overview and Scrutiny Committee or Health & Wellbeing Board shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.

18. If at a meeting any councillor, supported by three other members may demand a recorded vote by raising their hand and saying "named vote", prior to the Chair calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.

19. Where immediately after a vote is taken by a show of hands, if any member so requires they can ask for their individual vote to be recorded.

Councillor Conduct at Overview and Scrutiny Committee or Health & Wellbeing Board

20. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.

21. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

22. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public at Overview and Scrutiny Committee or Health & Wellbeing Board

23. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
24. If there is general disturbance in any part of the meeting room open to the public, the Chair may call that part to be cleared.

Exclusion of Public

25. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 28.

Substitute Councillors for Overview and Scrutiny Committee or Health & Wellbeing Board

26. Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee / Board in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
27. A member of a Committee / Board shall, if they wish a Substitute Councillor to attend a meeting of that Committee / Board in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the Substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
28. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.
29. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee / Board for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee / Board for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-

paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak with the consent of the Chair

30. A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
31. The Chief Executive shall give notice of Committee / Board meetings in the usual way to all members of the Committee / Board and to all substitute Councillors.

Attendance at Overview and Scrutiny Committee or Health & Wellbeing Board

32. A Councillor may attend a meeting of any Overview and Scrutiny Committee or Health & Wellbeing Board, but will only be entitled to speak on an item if they:
 - (a) are a member of the Committee or Sub-Committee (or duly appointed substitute); or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda
33. For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

Provisos

34. A Councillor who attends a Overview and Scrutiny Committee or Health & Wellbeing Board, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee Board members and shall only be entitled to speak for a maximum of 5 minutes on any item.
35. At meetings of the Overview and Scrutiny Committee or Health & Wellbeing Board these Procedural Rules shall not be suspended.
36. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

PROCEDURAL RULES RELATING TO WORKING PARTIES

Introduction

1. Working Parties, Forums and Panels are non-decision making bodies. They are different to other meetings of the Council as they are informal and therefore not required to comply with rules on publication of documents, meetings in public and issuing of minutes. They are advisory bodies and their terms of reference will set out their parent decision making body to whom they report.
2. Whilst there are no legal requirements for Working Parties, Forums and Panels their terms of reference are published in the Constitution. Reports, agendas and minutes produced for these informal meetings are also published to assist with transparency.

Meetings of the Working Party, Forum or Panel

3. Any meeting of a Working Party, Forum, Panel or other informal body:
 - (a) Shall be summoned by the Chief Executive.
 - (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the minutes of the meeting.
 - (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:

Part I – Those items to be discussed in public, and

Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
 - (d) Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Working Party, Forum or Panel provided:
 - It is relevant to the business of that meeting;
 - The Councillor has been unable to resolve the matter through normal channels; and
 - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.

On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.

4. In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

Working Parties

5. There shall be 2 types of working party:

- i) Those that report exclusively to the Executive (“Cabinet Working Parties”)
- ii) Those that report to the Council (“Council Working Parties”)

6. Cabinet Working Parties

- (a) A Cabinet Working Party may comprise any Councillor apart from the Mayor and Deputy Mayor.
- (b) Each Cabinet Working Party shall be appointed by the Cabinet and shall include at least 3 Councillors. They may also include officers and Co-opted Members in appropriate cases.
- (c) Each Cabinet Working Party shall be chaired by the Leader or such other Cabinet Member as the Leader shall appoint. A Vice-Chair will be elected at the first meeting in each municipal year.
- (d) Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

7. Council Working Parties

- (a) Each Council Working Party shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.
- (b) With the exception of Scrutiny Working Parties / Panels which will be drawn from the membership of the parent Committee (and report to that parent Committee):
 - Each Council Working Party shall be appointed by the Council.
 - The Council will appoint the Chair and Vice-Chair of all Council Working Parties.
 - A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.

- Council Working Parties shall report to the Council, either directly or through a Committee as set out in the terms of reference.

Quorum at Working Parties

8. The Quorum for Working Parties, Forums, Panels and other bodies shall be as set out in their Terms of Reference

Rules of Debate

9. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
10. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
11. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
12. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
13. A councillor may speak only: -
 - a) on the matter under debate
 - b) to raise a point of order; or
 - c) to make a personal explanation, or
 - d) where the Chair gives permission to a councillor to speak.
14. The Chair has a right of reply and shall confine their speech to answering points made by previous speakers, and that shall close the debate on the particular matter
15. When an amendment is carried, the amended motion shall take the place of the original motion.

Voting in Working Parties, Forums and Panels

16. Any matter at meetings in Working Party, Forums and Panels shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
17. If at a meeting any councillor, supported by one other member, may demand a recorded vote by raising their hand and saying "named vote", prior to the Chair calling a vote, to indicate such demand, the names "for" or "against" the motion

or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.

18. Where immediately after a vote is taken by a show of hands, if any member so requires their individual vote shall be recorded in the Minutes of that meeting

Councillor Conduct

19. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
20. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
21. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

Disturbance by the Public

22. If a member of the public interrupts proceedings, the Chair will warn the persons concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
23. If there is general disturbance in any part of the meeting room open to the public, the Chair may call that part to be cleared.

Exclusion of Public

24. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution

Substitute Councillors

25. Each political group may nominate any number of its members to be appointed by the Council to act as substitute Councillors on a Working Party, Forum or Panel in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
26. A member of a Working Party, Forum or Panel shall, if they wish a substitute Councillor to attend in their place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the substitute Councillor named in the substitution notice will attend in their place,

save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.

27. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.
28. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Working Party, Forum or Panel for the duration of that meeting and for the duration of any adjournment of it, and that the substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak by the Chair
29. A substitution notice given for any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice
30. The Chief Executive shall give notice of Working Parties, Forums and Panels in the usual way to all members of those informal bodies and to all substitute Councillors.

Attendance at Working Party, Forums and Panels

31. Subject to the interest rules in the Code of Conduct and the proviso set out below, a Councillor may attend a public or private meeting of any Working Party, Forum or Panel meeting in public, but will only be entitled to speak on an item if they:
 - (a) are a member or duly appointed substitute of the Working Party, Forum or Panel; or
 - (b) have been permitted by the Chair to speak; or
 - (c) have placed the item on the agenda
32. For the avoidance of doubt, only a member of the relevant Working Party, Forum or Panel is permitted to vote on any item.

Public Participation in Respect of Traffic Regulation Orders

This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.

33. Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.
34. A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
35. Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.
36. Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.
37. Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.
38. The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.

Additional restrictions

39. A Councillor who attends a Working Party, Forum or Panel of which they are neither a member nor a duly appointed substitute, should sit apart from Working Party, Forum or Panel members.
40. At meetings of the Working Parties, Forums, Panels and other bodies these procedural Rules shall not be suspended.
41. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Notice of Motion: Replacement of Paving Slabs

The policy of replacing paving slabs with a bitumastic type surface was voted through by the Southend council chamber. It was promoted on the information that imperial sized slabs could not be obtained only metric ones making it very difficult to replace broken slabs. Some of the slabs have been in place for over 100years and remain undamaged. The environmental implications have now changed, so too has the councils commitment to reduce its carbon footprint.

Not declared to Councillors at the time was the following skeleton facts regarding costs environmental damage street scene damage , health risks and services of underground facilities. The environmental damage bitumastic surface is continues polluting to the atmosphere and therefore never becomes environmental neutral. slabs are environmentally neutral after 12years.

For every 50 yards of bitumastic surface to offset the environmental impact two trees are required. Bitumastic by its chemical make-up encourages weed growth. The surface of bitumastic does not allow drain through were as slabs do, this adding to excess surface water and footway puddling. The flow off of bitumastic contains Flux oil that pollutes water courses. Bitumastic surface freezes over, compared to slabs creating a slippery surface forcing residents to walk in the road.

Summer creates higher temperatures with bitumastic compared to slabs preventing dogs wildlife using footways. bitumastic surface absorbs light compared with slabs, so streetlights have to be brighter to give the same illumination as slab foot ways. Health, bitumastic as quoted by Southend city council the material is poison to pets wildlife and small children.

Costs currently Southend Council are charged £24 to remove broken slabs and £14 to buy back the crushed slabs for under fill. Any serviceable slabs we are assured are put in storage. but to remove slabs the contractor's smash them as health and safety does not permit the contractor to lift them complete due to the weigh.

The Council were not offered the cheaper solution for small sites to lift, level and repack slabs using a small amount of sand. Instead, even good slabs are smashed up and removed to be replaced with bitumastic. The material now being used does not offer a low slip surface, like older materials, thus exposing the council to increase claims for slipping incidents.

Therefore this Council resolves:

To relook at the cost benefit and whole life costs of the current council policy taking into account the environmental and cost impact as well as the disruption to the public and that the Council cannot replace Paving slabs as the current suppliers are unable to supply imperial ones. This is despite the fact that since 1971 council policy has been to only use metric slabs so replacement slabs are available if replacement of post 1971 slabs is required.

Proposer: Cllr Aylen

Seconder: Cllr Cowdrey

Council – 21st March 2024

Notice of Motion: Chichester Road

In removing the right turn into Tylers Avenue this will enable Chichester Road to be narrowed at this junction which in turn will enable the footpath to be widened around the tree in doing so will protect it from destruction.

This Council therefore resolves:

To remove the right turn from Chichester Road into Tylers Avenue.

Regards Cllr Ron Woodley
Seconded Cllr Tricia Cowdrey

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Calendar of Meetings 2024-2025

2024

MAY

ANNUAL COUNCIL

COUNCIL (Appointment of Committees etc

Development Control Committee

3.30pm

6.30pm

2.00pm

Thursday, 9th May

Thursday 16th May

Wednesday, 29th May

14

JUNE

Place Scrutiny Committee – Cycle 1

People Scrutiny Committee – Cycle 1

Policy & Resources Scrutiny Committee – Cycle 1

Southend Health and Wellbeing Board

Traffic Regulations Working Party & Cabinet Committee

CABINET – Cycle 1

Development Control Committee

6.30pm

6.30pm

6.30pm

5.00pm

6.30pm

6.30pm

2.00pm

Monday 3rd June

Tuesday 4th June

Thursday 6th June

Thursday, 13th June

Thursday 20th June

Monday, 24th June

Wednesday 26th June

JULY

Place Scrutiny Committee – Cycle 2

People Scrutiny Committee – Cycle 2

Shareholder Board

Policy and Resources Scrutiny Committee – Cycle 2

Audit Committee

COUNCIL – Cycle 1

Development Control Committee

CABINET – Cycle 2

6.30pm

6.30pm

6.30pm

6.30pm

6.30pm

6.30pm

2.00pm

6.30pm

Monday, 8th July

Tuesday, 9th July

Wednesday, 10th July

Thursday, 11th July

Wednesday, 17th July

Thursday, 18th July

Wednesday 24th July

Monday 29th July

AUGUST

Place Scrutiny Committee – Cycle 3

Development Control Committee

People Scrutiny Committee – Cycle 3

Policy & Resources Scrutiny Committee – Cycle 3

6.30pm

2.00pm

6.30pm

6.30pm

Tuesday 27th August

Wednesday, 28th August

Wednesday, 28th August

Thursday 29th August

SEPTEMBER

Southend Health and Wellbeing Board

COUNCIL – Cycle 2

Traffic Regulations Working Party & Cabinet Committee

CABINET – Cycle 3

Development Control Committee

5.00pm

6.30pm

6.30pm

6.30pm

2.00pm

Wednesday, 4th September

Thursday, 5th September

Thursday, 12th September

Monday, 16th September

Wednesday, 18th September

OCTOBER

Shareholder Board

Development Control Committee

COUNCIL – Cycle 3

Audit Committee

Place Scrutiny Committee – Cycle 4

People Scrutiny Committee – Cycle 4

Policy & Resources Scrutiny Committee – Cycle 4

6.30pm

2.00pm

6.30pm

6.30pm

6.30pm

6.30pm

6.30pm

Monday, 14th October

Wednesday, 16th October

Thursday 17th October

Wednesday, 23rd October

Monday, 28th October

Tuesday, 29th October

Wednesday, 30th October

NOVEMBER

Traffic Regulations Working Party & Cabinet Committee

Development Control Committee

CABINET – Cycle 4

6.30pm

2.00pm

6.30pm

Wednesday, 6th November

Wednesday, 13th November

Monday, 18th November

DECEMBER

Place Scrutiny Committee – Cycle 5

People Scrutiny Committee – Cycle 5

Policy & Resources Scrutiny Committee – Cycle 5

Southend Health and Wellbeing Board

Development Control Committee

COUNCIL – Cycle 4

6.30pm

6.30pm

6.30pm

5.00pm

2.00pm

6.30pm

Monday, 2nd December

Wednesday, 4th December

Thursday, 5th December

Tuesday, 10th December

Wednesday, 11th December

Thursday, 12th December

2025

JANUARY

Development Control Committee	2.00pm	Wednesday, 8 th January
CABINET (including initial Council Budget consideration) – Cycle 5	6.30pm	Thursday, 9th January
Audit Committee	6.30pm	Tuesday, 21 st January
Development Control Committee	2.00pm	Wednesday, 29 th January
Policy & Resources Scrutiny Committee (Budget)	6.30pm	Thursday, 30 th January

FEBRUARY

COUNCIL – Cycle 5	6.30pm	Thursday, 6th February
Place Scrutiny Committee – Cycle 6	6.30pm	Monday, 10 th February
CABINET (Council Budget)	6.30pm	Tuesday, 11th February
People Scrutiny Committee – Cycle 6	6.30pm	Wednesday, 12 th February
Policy & Resources Scrutiny Committee – Cycle 6	6.30pm	Thursday 13 th February
COUNCIL (Budget)	6.30pm	Thursday, 20th February
Traffic Regulations Working Party & Cabinet Committee	6.30pm	Monday, 24 th February
Shareholder Board	6.30pm	Tuesday, 25 th February
Development Control Committee	2.00pm	Wednesday, 26 th February

MARCH

CABINET – Cycle 6	6.30pm	Monday, 3 rd March
Southend Health and Wellbeing Board	5.00pm	Tuesday, 4 th March
Development Control Committee	2.00pm	Wednesday 5 th March
COUNCIL – Cycle 6	6.30pm	Thursday, 20th March

APRIL

(NB: Maundy Thursday 17th April, Good Friday 18th April, Easter Monday 21st April)

Development Control Committee	2.00pm	Wednesday, 2 nd April
Audit Committee	6.30pm	Wednesday, 23 rd April

MAY

ANNUAL COUNCIL	3.30pm	Thursday, 8th May
COUNCIL (Appointment of Committees etc.)	6.30pm	Thursday 15th May
Development Control Committee	2.00pm	Wednesday, 28 th May

NOTE:

Holocaust Memorial Day Commemoration Service – 27 January 2025

School Term Dates:

Summer Term starts Monday 15th April 2024 to Monday 22nd July 2024.

Half Term: 28th May to 31st May 2024, and May Bank Holiday, 6th May, Spring Bank Holiday 27th May 2024

Autumn Term starts Tuesday 3rd September 2024 to Friday 20th December 2024

Half Term: 28th October to 1st November 2024 Summer Bank Holiday 26th August 2024

Spring Term starts Monday 6th January 2025 to Friday 4th April 2025

Half Term: 17th February to 21st February, Easter Bank Holidays 18th April & 21st April 2025

School Summer Term 2025 starts Tuesday 22nd April 2025

Note:

Lib Dem Conference: 14-17 September 2024

Conservative Conference: 29 September – 2 October 2024

Labour Conference: 22 – 25 September 2024