

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

General Purposes Committee

Date: Thursday, 13th June, 2024

Time: 5.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Tuesday, 6 February 2024 (Pages 3 - 4)**
- 4 Report of Monitoring Officer on Proposed Immediate Changes to Southend-on-Sea City Council Constitution - attached (Pages 5 - 66)**
Executive Director (Strategy and Change)
- 5 Report of Monitoring Officer Requesting a Review of the Constitution - attached (Pages 67 - 72)**
Executive Director (Strategy and Change)

TO: The Chair & Members of General Purposes Committee:

Councillor M O'Connor (Chair),
Councillors K Robinson (Vice-Chair), T Cox, M Faulkner-Hatt, P Kinsella, R McMullan,
J Moyies, D Nelson and N Ward

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of General Purposes Committee

Date: Tuesday, 6th February, 2024
Place: Committee Room 1 - Civic Suite

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Present: Councillor D Jones (Chair)
Councillors C Campbell (Vice-Chair), N Folkard, G Leroy, A Line,
R McMullan, K Murphy, D Nelson and M O'Connor

(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors D Cowan, T Cox, L Hyde and J Moyies
K Sawyer, C Gamble and T Row

Start/End Time: 6.30 pm - 6.50 pm

8 Apologies for Absence

Apologies for absence were received from Councillor Courtenay (substitute: Councillor Folkard).

9 Declarations of Interest

No interests were declared at the meeting.

10 Minutes of the Meeting held on Monday, 27 November 2023

Resolved:-

That the Minutes of the Meeting held on Monday 27th November 2023 be confirmed as a correct record and signed.

11 Standing order - Changes to Council meeting procedures

The Committee received a report of the Executive Director (Strategy & Change) presenting proposed changes to the Council's Procedure Rules (Standing Orders) rules to make the meetings more effective. A copy of the proposed changes were attached as appendices to the submitted report.

Resolved:-

1. That Council be recommended to adopt the proposed changes to the Council Procedure Rules as set out in Appendix A to the submitted report.

2. That separate procedure rules for Committees, Overview and Scrutiny and Working Parties as set out in Appendices B, C & D, be approved.

3. That the minor revisions to the Contract Procedure Rules & Finance Procedure Rules as outlined in the submitted to make clear the procedures for key decisions relating to contracts, be approved.

4. That the Monitoring Officer be authorised to make minor revisions to the Constitution in response to any organisational changes.

Chair: _____

Meeting:	General Purposes Committee
Date:	13 June 2024
Classification:	Part 1
Key Decision:	N/A
Title of Report:	Report of Monitoring Officer on Proposed Immediate Changes to the Southend-on-Sea City Council Constitution
Executive Director:	Claire Shuter (Executive Director – Strategy & Change)
Report Authors:	Susan Zeiss (Director Legal Services – Monitoring Officer)
Executive Councillor:	Cllr Ian Gilbert, Cabinet Member for Regeneration, Major Projects and Regulatory Services

1. Executive Summary

The report asks General Purposes Committee (“GPC”) to consider an immediate change to the constitution relating to the appointment of Chairs and Vice Chairs of Overview and Scrutiny Committees and to make such recommendations as it sees fit to Council for decision.

2. Recommendations:

That General Purposes Committee recommends to Council that it:

- 2.1 **Considers an amendment to the second sentence in Part 3 Schedule 2 paragraph 5.1(a) of the Constitution to read as follows: “The Chairs and Vice-Chairs shall be drawn from members of the committee”, as set out in paragraph 3.3.1 of this report.**
- 2.2 **Considers an amendment to Part 4(e) Overview & Scrutiny Procedure Rules Rule 5. “Who chairs the Scrutiny Committee?” to read as follows: “Chairs and vice chairs of the scrutiny committees will be drawn from among the Councillors sitting on the committee”, as set out in paragraph 3.3.2 of this report.**
- 2.3 **Agrees that authority is delegated to the Monitoring Office to make the agreed amendments and to amend any other associated provision in the constitution to reflect the decision of Council (if made) and to publish a revised version of the constitution on the Council’s website.**

3. Background

- 3.1 The Monitoring Officer is required to maintain the constitution and Articles 4 and 15 respectively provide that Council may adopt and change the constitution and that (subject to the authority given to the Chief Executive in consultation with the Monitoring Officer and Group Leaders, to make minor amendments in certain circumstances), changes to the Constitution will only be approved by the full Council on a report from the Monitoring Officer.
- 3.2 It has been customary at Southend-on-Sea City Council to first report proposed changes to the Constitution to GPC for consideration and onward recommendation to Council for decision.
- 3.3 Any Councillor may require that an item of business be placed on the agenda of any committee of council provided that they give nine clear days' notice to the Chief Executive.
- 3.4 Cllr Cowan, the Leader of the Council has given such notice and requested that an item proposing the following changes to the Constitution be placed on the agenda for General Purposes Committee and onward recommendation to Council for decision:
- 3.4.1 That Part 3 Schedule 2 5.1(a) of the constitution be amended by the deletion of the words "The Chair and Vice-Chair may only come from the members of the opposition groups represented on the Council" and the insertion of the words "The Chairs and Vice-Chairs shall be drawn from members of the committee" and will read in full as follows:
- "5.1 Membership of Each Scrutiny Committee*
(a) 17 Councillors. Neither the Mayor nor any Cabinet Member may be a member of a Scrutiny Committee. The Chairs and Vice-Chairs shall be drawn from members of the committee.
Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies" (Please see Appendix 1).
- 3.4.2 That Part 4(e) Overview & Scrutiny Procedure Rules Rule 5 of the constitution be amended by the deletion of the word "opposition" and will read in full as follows:
- "5. Who chairs the Scrutiny Committee?*
Chairs and vice chairs of the scrutiny committees will be drawn from among the Councillors sitting on the committee." (Please see Appendix 2)
- 4. Financial Implications**
- 4.1 There are no financial implications relating to the proposals contained in this report

5. Legal Implications

5.1 Apart from those provisions that are required to be reflected in the Council’s Constitution by legislation, others part of the Constitution may be amended by decision of Council.

6. Alternatives Considered

Not applicable

7. Consultation

Not required.

8. Appendices

Appendix 1: Copy of extract of Part 3 Schedule 2 paragraph 5 (1)(a) of the Constitution showing tracked changes.

Appendix 2: Copy of extract of Part 4(e) Rule 5 of the Constitution showing tracked changes.

9. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	3 June 2024
Monitoring Officer	Susan Zeiss	5 June 2024
Executive Director(s)	Claire Shuter	30 May 2024

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Part 3 Schedule 2 – The Constitution and Terms of Reference of Cabinet, Committees, etc.

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Part 3 Schedule 2 – The Constitution and Terms of Reference of Cabinet, Committees, etc

1. The Council

1.1 Role of the Council

See Part 2 – Article 4

1.2 Functions of the Council

See Part 2 – Article 4

2. The Cabinet – Constitution and Terms of Reference

2.1 Membership

The Leader appointed by the Council and up to 9 other Councillors called “Cabinet Members” appointed by the Leader, one of whom must be appointed as the Deputy Leader (see **Part 2 – Article 7**). Neither the Mayor nor the Deputy Mayor may be appointed to the Cabinet.

Substitutes: Permitted in accordance with Standing Order 31.7
Proportionality: Not applicable

2.2 Appointment and Removal of the Leader and Cabinet Members

See **Part 2 – Article 7**

2.3 Portfolios

Cabinet Members shall have the portfolios set out in **Part 3 Schedule 1(a)** – although these can be amended by the Leader in accordance with **Part 2 – Article 7**, paragraph 7.04(5).

2.4 Quorum

3

2.5 Terms of Reference

See **Part 2 – Article 7**

2.6 Delegation of Executive Functions

(a) The Scheme of Delegation of executive functions to any Committee of the Executive or to an officer (including delegation of some functions to officers to be exercised in consultation with the appropriate Cabinet Members) will be determined by the Council and will be contained in the Constitution. If and to the extent that any executive functions are not included in the delegation scheme then in cases of urgency the Leader may arrange for the discharge of those functions by delegating them to the Chief Executive or the appropriate Executive Director (Neighbourhoods & Environment) to act in consultation with the Leader under Section 15 (3) and (4) of the 2000 Act, subject to review by the Council at the next Annual Council meeting.

(b) Cabinet Committee

There shall be a Cabinet Committee consisting of 3 Cabinet Members appointed by the Leader to carry out the following executive functions in respect of Traffic Regulation Orders and to consider the comments and recommendations made by the Traffic Regulations Working Party on the highways’ issues referred to it by the Executive Director (Neighbourhoods & Environment)

- To consider the recommendations of the Traffic Regulations Working Party regarding the implementation of Traffic Regulation Orders in circumstances where there are a majority of responses to the Statutory Notice against the proposals and the Council is of the view that the proposals should move forward.
- In such circumstances, the Cabinet Committee will immediately meet to consider the Traffic Regulations Working Party’s recommendation to overrule objections and to decide whether to authorise the Executive Director (Neighbourhoods & Environment) to make the Order (with or without modification) or to decide that the Order be not made. This decision will be published in a Digest and will be available for call-in.

Substitutes

Permitted in accordance with Standing Order 31.7

Quorum

The quorum of the Cabinet Committee shall be 2

2.7 Status of Meetings

Open to the public

2.8 Reports To

The Council

3. Cabinet Working Parties

3.1 Children, Young People and SEND Working Party

3.1.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply to the 5 Councillors who are not Cabinet Members.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.1.2 Quorum

3

3.1.3 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Children, Young People and SEND portfolio.
- (b) To review the provision of primary and secondary school places across the City taking into account all relevant factors and to make recommendations to Cabinet.

3.1.4 Status of Meetings

Private

3.1.5 Reports to

The Cabinet

3.2 Climate, Environment and Waste Working Party

3.2.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Other non-voting members will be invited to attend as appropriate to the item, and will include representatives from:

- Leigh Society
- Southend Society
- Shoebury Society
- Milton Society
- S.E. Essex Archaeological Society
- Southend & District Building Restoration Trust
- RIBA
- Chamber of Commerce.

- Natural England
- South Essex Natural History Society
- Essex Wildlife Trust – Rochford and Southend Local Group
- British Trust for Conservation Volunteers One representative of Royal Society for the Protection of Birds – Southend Members Group
- Friends of Hadleigh Castle Country Park
- Southend Ornithological Group
- Butterfly Conservation (Cambs and Essex Branch)
- Leigh Town Council
- Essex Amphibian and Reptile Group
- Essex Biodiversity Partnership
- The Site Manager – Hadleigh Castle Country Park
- The Southend Environmental Project Manager – Essex Wildlife Trust

3.2.1 Quorum

3

3.2.2 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Climate, Environment and Waste portfolio.
- (b) To provide advice to the Southend Strategic Partnership about environmental and biodiversity issues, and to assist in the delivery of the Community Plan.
- (c) To identify environmental and biodiversity issues of importance to the City and the Council.
- (d) To consider environmental and biodiversity projects in the City including partnerships with other organisations and seek funding from non-Council sources and promote collaboration and support with funding agencies.
- (e) To consider and where appropriate participate in local and national environmental and biodiversity campaigns.
- (f) To encourage, assist and promote biodiversity in the City and to increase awareness and publicity of environmental and biodiversity issues.
- (g) To keep under review the development of environmental and biodiversity policies.
- (h) To support sustainable development and improvements in the local environment.

3.2.4 Status of Meetings

Private (save as in respect of 3.4.3(e))

3.2.5 Reports to

The Cabinet

3.3 Community Safety Working Party

3.3.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

3.3.2 Quorum

3

3.3.3 Terms of Reference

(a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Community Safety portfolio.

3.3.4 Status of Meetings

Private

3.3.5 Reports to

The Cabinet

3.4 Culture, Tourism and Business Working Party

3.4.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.4.2 Quorum

3

3.4.3 Terms of Reference

(a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Culture, Tourism and Business portfolio.

3.4.4 Status of Meetings

Private

3.4.5 Reports to

The Cabinet

3.5 Finance, Assets and Investments Working Party

3.5.1 Membership

8 Councillors (by convention political proportionality shall apply)

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.5.2 Quorum

3

3.5.3 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Finance, Assets and Investments portfolio.

3.5.4 Status of Meetings

Private (save as in respect of 3.4.3(e))

3.5.5 Reports to

The Cabinet

3.6 Infrastructure and Corporate Strategy Working Party

3.6.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair will be appointed by the Leader.

Interested Parties (to be invited in a non-voting capacity on an ad-hoc basis as appropriate to the item):

- 1 representative from First Group
- 1 representative from Arriva
- 1 representative from Stephensons
- 1 representative of the rail operators (dependent upon franchise)
- 1 representative of Southend Area Bus Users Group
- 1 representative of the Rail Users Group

Advisory Capacity:

- 1 representative of Essex County Council

3.6.2 Quorum

3 Councillors

3.6.3 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Infrastructure and Corporate Strategy portfolio.
- (b) To consider policy matters that support delivery of the Council's Ambition and Outcomes as set out in the Southend 2050 Road Map and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Highways, Transport and Parking portfolio.
- (c) **Access to the City:** This will include considering improvements to access options for visitors to the City including changes to road layouts and reducing access traffic on roads within the core of the town centre to provide easier, direct and more intuitive access to car parks and key visitor destinations.
- (d) **Parking:** This will include:
 - (i) the development of a parking guidance system and vehicle messaging system covering the main car parks across the City; and
 - (ii) appropriate changes to parking tariffs for periods of high demand for example summer weekends and bank holidays to better balance the demand for parking between the seafront and town centre car parks.
- (e) **Transport:** This will include:
 - (i) how public transport, including bus services, in the City might be improved;
 - (ii) ensuring synergy of public transport services for the City; and
 - (iii) the provision of improved travel information pre-travel and pre-arrival to the City through a range of media and systems and to encourage travel behaviour change by residents of the City and visitors.
- (e) To monitor the on-going operation of the London Southend Airport in the context of the environmental controls recorded in the leases and S.106 Agreements. To respond to concerns regarding air traffic movements.

3.6.4 Status of Meetings

Private

3.6.5 Reports to

The Cabinet (save in respect of 3.6.3(e) and (i) above)

3.7 Planning, Housing and the Local Plan Working Party

3.7.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

3.7.2 Quorum

3 Councillors

3.7.3 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Planning, Housing and the Local Plan portfolio
- (b) To identify conservation issues of importance to the City and make recommendations to the Cabinet.
- (c) To consider conservation policy and monitor changes in Conservation Areas and make recommendations to the Cabinet.
- (d) To consider practical conservation projects in the City, including partnerships with other organisations and to make recommendations thereon to the Cabinet.
- (e) To consider major planning applications with conservation implications referred to it by the Development Control Committee and to make comments to the Development Control Committee.
- (g) To make recommendations on matters relating to the review of the Local and Structure Plans and the provision of a comprehensive up to date planning policy framework for the City.
- (h) To make recommendations to Cabinet on local listing on an annual basis and on an ad hoc basis in case of urgency.

3.7.4 Status of Meetings

Private (save as in respect of 3.7.3(e) above).

3.7.5 Reports to

The Cabinet

3.8 Regeneration, Major Projects and Regulatory Services Party

3.8.1 Membership

8 Councillors

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

3.8.2 Quorum

3 Councillors

3.8.3 Terms of Reference

- (a) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Regeneration, Major Projects and Regulatory Services portfolio.

3.8.4 Status of Meetings

Private

3.8.5 Reports to

The Cabinet

3.9 Social Care and Healthier Communities Working Party

3.9.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.9.2 Quorum

3

3.9.3 Terms of Reference

- (b) To consider policy matters and to make recommendations, when appropriate, to Cabinet in respect of the functions within the remit of the Social Care and Healthier Communities portfolio.

3.9.4 Status of Meetings

Private

3.9.5 Reports to

The Cabinet

3.10 Traffic Regulations Working Party

3.10.1 Membership

12 Councillors¹, comprising the 3 Cabinet Members who sit on the Cabinet Committee (one of whom shall be appointed Chair and another Vice-Chair) and 9 Councillors who are not Cabinet Members.

Substitutes: Permitted in accordance with Standing Order 31

¹ **Note:** No Councillor shall sit on the Traffic Regulations Working Party (whether for the first time or returning to the Working Party after a period of absence), including as a substitute Councillor, without having first attended a training session on the principles of Traffic Regulation Orders.

Proportionality: By convention political proportionality shall apply to the 9 Councillors who are not Cabinet Members.

3.10.2 Quorum

3 (including at least 2 of the Cabinet Members)

3.10.3 Terms of Reference

- (a) To consider written objections and also to hear oral representations by objectors and supporters (if any) to proposed Traffic Regulation Orders and to make a recommendation to the Cabinet Committee on such proposed Orders, but only in circumstances where there are a majority of responses to the Statutory Notice against the proposals and the intention is for the proposals to move forward. (See Section 6D of **Part 4(a)** of the Council's Constitution regarding public speaking on Traffic Regulation Orders.)
- (b) To consider requests for Traffic Regulation Orders referred to the Working Party by the Council, Cabinet or the Executive Director (Neighbourhoods & Environment) and make appropriate recommendations to the Cabinet Committee on those requests.
- (c) To act as the project board in respect of the Parking Review and undertake a strategic role in the overview and direction of the Traffic and Highway Service.

3.10.4 Status of Meetings

Open to the public

3.10.5 Reports to

The Cabinet

3.11 Holocaust Memorial Day Working Party

3.11.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.11.2 Quorum

3

3.11.3 Terms of Reference

To recommend arrangements to commemorate Holocaust Memorial Day, 27th January each year.

3.11.4 Status of Meetings

Private

3.11.5 Reports to

The Cabinet

3.12 The ASELA and Local Government Reform Working Party

3.12.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader, or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

3.12.2 Quorum

3

3.12.3 Terms of Reference

1. To monitor and have oversight of the on-going work of the Association of South Essex Local Authorities (ASELA).
2. To consider and advise on matters relating to local government reform, including issues arising from the anticipated White Paper on Devolution.

3.12.4 Status of Meetings

Private

3.12.5 Reports to

The Cabinet

3.13 Armed Forces Working Party

3.13.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader, or such other Cabinet Member as the Leader shall appoint. The Vice-Chair shall be appointed by the Leader.

Interested Parties (to be invited in a non-voting capacity on an ad-hoc basis as appropriate to the items on the Agenda):

1 representative from Southend branch of SSAFA

1 representative from Naval and Military Association/Royal Naval Association/British Legion

1 representative from Essex Army Cadets Force Southend Detachment

Advisory Capacity:

1 representative of Essex County Council

1 representative of Essex Armed Forces Covenant – liaison officer

3.13.2 Quorum

3 Councillors

3.13.3 Terms of Reference

- (a) The Working Party will act as the City lead for the promotion and fulfilment of its commitment to the Armed Forces Covenant.
- (b) To further the standard of the Armed Forces Covenant response at Southend-on-Sea City Council to improve to Gold Standard, to integrate throughout the organisation the recognition of the Covenant and the obligations it places on the City Council and to encourage businesses and organisations in Southend to support the Covenant.
- (c) To seek to work with and through voluntary, faith, social enterprise, community and business sector organisations to develop multi-agency, holistic and inclusive interventions and other support to the Armed Forces Community.
- (d) To assist where appropriate, external organisations in connection with Armed Forces Day events and other events as are appropriate

4. Advisory Forums and Panels (Advising and Reporting to the Cabinet)

4.1 Local Consultative Forum

4.1.1 Membership

Chief Executive
Executive Director (Strategy, Change & Governance)
Executive Director (Finance & Resources)
Leader of the Council
Cabinet Member appointed by the Leader
Other Executive Directors or their representatives as may be appropriate
Unison Official
GMB Official

Substitutes: Not permitted
Proportionality: Does not apply

4.1.2 Quorum

2 members from the management side (one being a Councillor)
2 members from the Union side

4.1.3 Terms of Reference

A forum for discussion and consultation between the Council and its employees (represented by 2 local union officials) on agreed topics so that good industrial relations can be fostered and for further action (if required) to be identified and initiated.

4.1.4 Status of Meetings

Private

4.1.5 Reports to

The Cabinet

4.2 Southend Business & Tourism Partnership

4.2.1 Membership

The Leader or their nominee and 7 other Councillors (by convention proportionality shall apply).
Substitutes: permitted in accordance with Standing Order 31.

The Chief Executive and the Director of Regeneration & Growth.

All persons owning, operating or representing businesses or organisations/bodies in Southend-on-Sea with an interest in promoting and developing the economic regeneration of Southend-on-Sea are entitled to attend meetings of the Partnership.

Castle Point Borough and Rochford District Councils:

- Chair of appropriate Committee from each Council
- Chief Executive of each Council

4.2.2 Quorum

Not less than 10 persons

4.2.3 Terms of Reference

- (a) To act as a vehicle for improved liaison between the Council and private sector business, town centre and tourism interests.

- (b) To act as a mechanism for the exchange of ideas between the Council, local business and relevant organisations with the aim of enhancing the economic success and viability of the City, including the City Centre and facilities for visitors and residents.
- (c) To make recommendations on future improvements which may be provided within the constraints of the Council's budgetary provision or which may be provided by the private sector.
- (d) To consider reports on principles and key ideas for development of the City's Economic Development Statement.

4.2.4 Status of Meetings

Private

4.2.5 Reports to

The Cabinet

4.3 The Senior Managers' Pay Panel

4.3.1 Membership

- Leader (Chairman)
- Deputy Leader
- 1 other Cabinet Member
- The Leaders of the 2 largest Opposition Groups (or the Leader and one other Councillor from the Opposition Group)

(Advisor – Chief Executive, save that in the case of their own employment it will be an independent consultant - as agreed with the Chief Executive.)

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: Does not apply

4.3.2 Quorum

3

4.3.3 Terms of Reference

- To consider and moderate objectives set for the following Senior Managers: the Chief Executive, Deputy Chief Executive, Executive Directors and Directors.
- To consider recommendations from end of year reviews and agree pay awards within the parameters of the Council's Senior Managers' Pay Scheme.

4.3.4 Status of Meeting

Private

4.3.5 Reports to

The Cabinet

4.4 Rochford & Southend-on-Sea Area Action Plan Committee

4.4.1 Membership

4 Councillors (by convention proportionality will apply) and at least one Councillor shall represent a ward adjacent to the airport.
 4 Councillors from Rochford District Council

Substitutes: Permitted in accordance with Standing Order 31

4.4.2 Quorum

2 Councillors from each Council

4.4.3 Terms of Reference

To make recommendations to Southend-on-Sea and Rochford Councils on the preparation and adoption of a Joint Area Action Plan for land to the west of Rochford incorporating London Southend Airport and the Aviation Way Industrial Estate.

4.4.4 Status of Meeting

Private

4.4.5 Reports to

The Cabinet

4.5 Planning & Development Forum

4.5.1 Membership

8 Councillors

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention political proportionality shall apply

The Chair shall be the Leader or such other Councillor as the Leader shall appoint.

The Executive Director (Growth & Housing), the Director of Planning and other planning officers as required.

The Executive Director (Neighbourhoods & Environment) (or nominee).

The Executive Director (Adults & Communities) (or nominee).

Developers operating or proposing to operate in the Borough and their architects / agents.

4.5.2 Quorum

3

4.5.3 Terms of Reference

To provide a Forum to discuss:

- (a) Strategic Planning issues
- (b) Planning Policy – notably the Local Development Framework (LDF)
- (c) Government Planning Policy
- (d) Local development issues and pressures
- (e) Other planning issues, such as design, sustainability and the procedures for dealing with applications BUT NOT any proposed or existing planning applications.

4.5.4 Status of Meetings

Private

4.5.5 Reports to

The Cabinet

4.6 Shareholder Board

4.6.1 Membership

8 Councillors including the Leader, Deputy Leader and one other Cabinet Member

No Councillor who sits on the board of a Corporate Vehicle (as defined below) can attend a Shareholder Board meeting considering that particular Corporate Vehicle.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint.

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention proportionality shall apply.

4.6.2 Quorum

3

4.6.3 Terms of Reference

a) To provide an effective means of governance for Corporate Vehicles and to oversee their activities.

(A "Corporate Vehicle" will include any wholly or partly owned Council company or a limited liability partnership whereby the Council is a partner (equal or otherwise); but this definition shall not include any Trust (charitable or otherwise) whereby the Council is the Trustee.)

b) To represent the Council's interests as shareholder or partner and to communicate the Council's views to the Corporate Vehicles, including the contribution the Corporate Vehicle can make to the achievement of the Council's strategic objectives.

c) To safeguard the Council from excessive risk taking or poor performance by the Corporate Vehicles.

d) To provide assurance that the Council and the Corporate Vehicles are following their legal obligations, the strategic direction and objectives which have been agreed and the Corporate Vehicles are delivering their service and appropriate financial performance, in accordance with their reported results compared to their stated business plan.

e) To make recommendations to Cabinet as to any action which needs to be taken as shareholder or partner of any Corporate Vehicle.

f) To consider the implications of management information that will be prepared for each Shareholder Board meeting to include:

- Year to date Corporate Vehicle's performance report, financial report and details of significant events compared to the targets previously agreed; and
- Any significant commercial and legal risks to the Council as shareholder or partner, highlighting the potential impact and likelihood of occurrence.

g) To consider points (a) to (f) in relation to each Corporate Vehicle, taking into account the degree of control and influence of the Council within the Corporate Vehicle and such guidance and advice provided by Officers in relation to that Corporate Vehicle.

4.6.4 Status of Meetings

Open to the public – save in respect of Part 2 Business.

4.6.5 Reports to

Cabinet

5. The 3 Scrutiny Committees (Policy & Resources, People and Place)

Each of these Scrutiny Committees is appointed by the Council under S.102 of the Local Government Act 1972. The party whip system shall not operate in relation to the Scrutiny Committees.

5.1 Membership of Each Scrutiny Committee

- (a) 17 Councillors. Neither the Mayor nor any Cabinet Member¹ may be a member of a Scrutiny Committee. ~~The Chair and Vice-Chair may only come from the members of the opposition groups represented on the Council.~~ Chairs and Vice Chairs of the Scrutiny Committees will be drawn from among the Councillors sitting on the Committee

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

- (b) The People Scrutiny Committee shall also have the following additional Co-opted Members:

- (i) 2 diocesan representatives pursuant to the Secretary of State for Education and Employment's Direction. These co-optees have voting rights, but on education matters only, and cannot vote on the determination of the LEA's total revenue expenditure on education or the determination of its capital programme in accordance with paragraph 17 of the DFEE Circular 19/99. In addition such co-optees should limit speaking to education topics and topics which have a clear link to education, in accordance with paragraph 14 of DFEE Circular 19/99.
- (ii) 2 elected parent governor representatives pursuant to the Parent Governor Representatives (England) Regulations 2001 (SI 478/2001). These co-optees shall have voting rights, but on education matters only, in accordance with Regulation 10. In addition, as with the diocesan representatives, such co-optees should limit speaking to education topics and topics which have a clear link to education.
- (iii) 3 non-voting members: one appointed by SAVS, one appointed by Healthwatch Southend and the other appointed by the Carers Forum. Such co-optees should limit speaking to social services and health topics or topics which have a clear link to social services or health matters.

Note: In addition 2 observers representing Southend Youth Council shall be entitled to attend the People Scrutiny Committee and may speak on the matters under consideration.

5.2 Quorum

As per Standing Order 38.1

5.3 Terms of Reference

The Scrutiny Committees shall deal with the following general areas, although many issues will cut across boundaries and consequently the Terms of Reference of the Scrutiny Committees are not to be construed restrictively:

Policy & Resources Scrutiny Committee

- Corporate Planning & Policy
- Asset Management
- Corporate Services (ICT, Data Protection, Human Resources)
- Corporate Finance Matters e.g. Localisation of benefits; Localisation of business rates
- Customer Services
- Crime and Disorder issues (S.19 Police & Justice Act 2006)
- Corporate Procurement
- Core Client Housing Responsibilities, including Commissioning / Procurement

¹ Standing Order 3.11 and Part 2 Section 7.04(1)

People Scrutiny Committee

- All Child and Adult Education
- Youth Services
- Children's Social Services
- Adult Social Services
- Public Health
- Commissioning / Procurement for Children, Adults and Public Health
- Health Scrutiny Role: (conferred on Councils with Social Services responsibilities):
 - In particular to exercise the powers contained in the Health and Social Care Act 2012 relating to the scrutiny of health services within the Council's area (including the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013). Where a local NHS body consults more than one Scrutiny Committee on a proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such a service, the local authorities of these Scrutiny Committees shall appoint a mandatory Joint Health Scrutiny Committee for the purpose of the consultation.

Membership of any such Joint Health Scrutiny Committee is drawn from the voting members on the People Scrutiny Committee, including the appointment of a named substitute(s). Where the Joint Health Scrutiny Committee covers a number of Local authority areas, each participating authority will nominate one member and one substitute or a different number to be agreed between the authorities concerned. Each Joint Health Scrutiny Committee will operate under Terms of Reference agreed by it.

The People Scrutiny Committee shall be responsible for the appointment of such members and political proportionality will not apply to any such appointment.
 - The Scrutiny Committee may also appoint a discretionary Joint Health Scrutiny Committee to carry out all or specified health scrutiny functions, for example health scrutiny in relation to health issues that cross local authority boundaries.

Place Scrutiny Committee

- Planning, Highways & Transportation and Engineering
- Environmental, Waste Management and Public Protection (Regulatory Services)
- Regeneration and Economic Development
- Tourism and Events
- Leisure, Culture and Sport
- Foreshore
- Flood & Waste Management
- All aspects of the Better Queensway Regeneration Project (including housing)

For details of the full role of the Scrutiny Committees – particularly the Call-in procedures – see **Part 2 – Article 6** of the Constitution and the Scrutiny Procedure Rules in **Part 4(e)**

5.4 Powers of Each Scrutiny Committee

Each Scrutiny Committee shall have powers to:

- Require the attendance of the Cabinet Member(s) whose portfolio covers the matter under consideration.
- Request and receive reports from officers
- Require the Chief Executive, Deputy Chief Executives, Strategic Directors and Directors to attend meetings to provide information
- To obtain (as a last resort) professional advice from outside the Council
- Consider Councillor Call for Action (CCfA) in accordance with the Local Protocol on CCfA in **Part 5 (g)** of the Constitution and also to request information from partners who have a responsibility to have regard to Scrutiny recommendations.

5.5 Status of Meeting

Open to the Public

5.6 Reports To

The Council

Note

Chairs' Scrutiny Forum

The Chairs' Scrutiny Forum shall comprise the Chair and Vice-Chair of each of the Scrutiny Committees. The Forum shall meet on an ad hoc basis to discuss common issues, problem areas, good practice and the development of the scrutiny function and from time to time, undertake reviews of previous in-depth scrutiny projects.

6. Regulatory and Other Non-Executive Committees of the Council

6.1 Development Control Committee

6.1.1 Membership

17 Councillors¹

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.1.2 Quorum

As per Standing Order 38.1

6.1.3 Terms of Reference

To exercise the powers and duties of the Council in all matters of Development and Building Control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:

- (a) All applications for planning permission, listed building consent, advertisement consent, conservation area consent, and hazardous substances consent (including the Council's own development proposals);
- (b) Tree Preservation Orders;
- (c) Enforcement Notices, Breach of Condition Notices and Stop Notices;
- (d) To undertake as necessary visits to sites prior to the determination of applications.

6.1.4 Status of Meeting

Open to the public.

6.1.5 Reports to

Council

¹ **Notes:**

- (a) No Councillor shall sit on the Development Control Committee (whether for the first time or coming back to the Committee after a period of absence) without having first attended a training session on the principles of determining planning applications. Such Councillors shall also attend at least two further planning training sessions in accordance with (b) below;
- (b) All members of the Development Control Committee and substitutes (if they are to sit on the Committee) must attend at least two planning training sessions in each Municipal Year; and
- (c) The Chief Executive shall keep a register of attendance of Councillors on the training sessions referred to in (a) and (b).

6.2 Licensing Committee

6.2.1 Membership

15 Councillors¹

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.2.2 Quorum

As per Standing Order 38.1

6.2.3 Terms of Reference

(a) To consider and determine all applications relating to the Licensing, Certification and Registration functions of the Council as set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), including:

- the licensing of sex establishments
- the control, care and treatment of animals and birds and the licensing of all premises relating to the same including slaughterhouses, knackers yards, pet shops, zoos, riding establishments and premises for the boarding of animals
- the regulation of Hackney Carriages and Hackney Carriage Drivers and private Hire Cars and Private Hire Car drivers
- the ordering, control, registration, licensing and regulation (including the provision of all necessary facilities and ensuring the safety of persons using the same) of all premises (including clubs) to which members of the public are admitted including safety or sports grounds
- the licensing of street and house to house collections and the control of and licensing of street trading, including permits under the Essex Act 1987
- the issue of Pawnbrokers Certificates and Moneylenders Licences
- the licensing and regulation of persons, premises and the carrying on of any trade or business not within the Terms of Reference of any other Committee
- the licensing of caravan sites
- The Licensing Act 2003
- The Gambling Act 2005

(b) To hear appeals against decisions made by officers carrying out delegated licensing functions.

(c) To determine all aspects of licensing policy/procedure (excluding the determination of the Council's Statement of Licensing Policy)

6.2.4 Status of Meetings

Open to the public (in part)

6.2.5 Procedure at Meetings

Meetings of the Licensing Committee shall be conducted in accordance with appropriate legislation and procedures, which shall take precedence over Council Standing Orders. Applicants, objectors and their representatives are entitled to attend meetings to give evidence as required.

6.2.6 Reports to

Council

¹ Minimum number permitted under Licensing Act 2003.

6.3 Licensing Sub-Committees A and B

There are two Licensing Sub-Committees, A and B. Each Sub-Committee is authorised to deal with the matters set out below. The Sub-Committees will be convened in turn by rota, subject to the availability of Councillors.

6.3.1 Membership

3 Councillors

- (a) The Chair of the Licensing Committee shall be a member of Sub-Committee A and the Vice Chair of the Licensing Committee shall be a member of Sub-Committee B (unless in either case the Chair or the Vice-Chair respectively is unable to attend a particular meeting when the provisions of the following paragraph shall apply). The Chair of each Sub-Committee shall be the Chair or Vice Chair of the Licensing Committee (as appropriate).
- (b) The remaining Councillors shall be drawn from the membership of the Licensing Committee. Councillors will be selected to attend in turn by rota, subject to availability.
- Substitutes: Not applicable (in view of the manner of appointment and absence of proportionality).
- Proportionality: Does not apply (the Sub-committees are appointed under the Licensing Act 2003 or the Gambling Act 2005).

6.3.2 Quorum

3

6.3.3 Terms of Reference

- (a) To consider and determine applications under the Licensing Act 2003 **where representations have been made**, in respect of the following cases.
- (i) Applications for personal Licences;
 - (ii) Applications for Premise Licences/ Club Premises Certificates;
 - (iii) Applications for Provisional Statements;
 - (iv) Applications to Vary Premises Licences/ Club Premises Certificates;
 - (v) Applications to Vary Designated Premises Supervisors;
 - (vi) Applications to transfer Premises Licences;
 - (vii) Applications for interim authorities;
 - (viii) Applications to review premises licences / club premises certificates;
 - (ix) Decision to objection when the Local Authority is a consultee, and not the “relevant authority” considering the application;
 - (x) Determination of representations to temporary event notices.

The following responsibilities are also delegated to the Sub-Committees:

- Applications for personal licences with unspent convictions;
 - Applications under the Gambling Act which are opposed.
- (b) To consider and determine applications under the Gambling Act 2005 (**where representations have been made and not withdrawn**) in respect of the following cases:
- (i) Application for Premises Licences;
 - (ii) Application for Variation to a Licence;

- (iii) Application for a Transfer of a Licence;
- (iv) Application for a Provisional Statement;
- (v) Review of a Premises Licence;
- (vi) Application for Club Gaming / Club Machine Permit;
- (vii) Cancellation of a Club Gaming / Club Machine Permit;
- (viii) Decision to give a Counter Notice to a Temporary Use Notice (Section 224);
- (ix) Matters referred to the Sub-Committee by officers, notwithstanding the delegations in **Part 3 Schedule 3**.

6.3.4 Status of Meetings

Open to the public subject to the provisions of the Licensing Act 2003 and the Gambling Act 2005.

6.3.5 Procedure at Meetings

- (a) The Chief Executive shall arrange for meetings of the Sub-Committees to be convened as and when required, drawing upon membership as set out above.
- (b) Meetings of the Sub-Committee will be conducted in accordance with appropriate legislation, procedures and the principles of natural justice which shall take precedence over Standing Orders and in particular Standing Order 39 shall not apply.

6.3.6 Reports to

The Licensing Committee

6.4 Licensing Sub-Committee C

6.4.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: Applies

6.4.2 Quorum

As per Standing Order 38.1

6.4.3 Terms of Reference

To consider and determine all applications (including sex establishment licences) except matters reserved to the Licensing Committee and / or Sub-Committees A & B pursuant to the Licensing Act 2003 and the Gambling Act 2005.

6.4.4 Status of Meetings

Open to the public (in part)

6.4.5 Procedure at Meetings

Meetings of the Licensing Sub-Committee C shall be conducted in accordance with appropriate legislation and procedures, which shall take precedence over Council Standing Orders. Applicants, objectors and their representatives are entitled to attend meetings to give evidence as required.

6.4.6 Reports to

Council

6.5 The Appointments and Disciplinary Committee

6.5.1 Membership

7 Councillors provided that where the Committee is dealing with the appointment of, or disciplinary action¹ against, the Head of Paid Service, an Executive Director or a Director:

- (a) At least one member of the Committee must be a Cabinet Member as required by paragraph 4(2) of the Officer Employment Procedure Rules in **Part 4(h)**;
- (b) The Cabinet Member whose portfolio covers the duties of the Head of Paid Service / Executive Director / Director shall be a member of the Committee – or in the event that such Cabinet Member is already a permanent member of the Committee, the Leader shall be a member thereof; and
- (c) Cabinet Members shall not have a majority on the Committee.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.5.2 Quorum

As per Standing Order 38.1

6.5.3 Terms of Reference

These Terms of Reference are subject to the provisions of the Officer Employment Procedure Rules in **Part 4(h)**

- (a) Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
- (b) To exercise all powers of the Local Education Authority in respect of the appointment proposal and removal of governors to schools in the City and to Southend Adult Community College, subject to the powers delegated to the Executive Director (Children & Public Health) in paragraph 4.6 of **Part 3 Schedule 3** of the Constitution.
- (c) To appoint Executive Directors and Directors and also to interview and recommend a person for the post of Head of the Paid Service².
- (d) Subject to (e) below, to investigate and take disciplinary action in respect of misconduct of the Head of Paid Service, Executive Directors and Directors. (Appeals will go to the Appeals Committee)³.
- (e) Full Council must decide whether or not to approve the dismissal of the Council's Head of Paid Service, Chief Finance Officer or Monitoring Officer and the procedures set out in the Officer Employment Procedure Rules in Part 4(h) must be followed, including consideration of the recommendations of the Appointments and Disciplinary Committee.
- (f) 'Power to approve Ex Gratia Payments, including retirement and business efficiency, with respect to the Head of Paid Service, Executive Directors and Directors.

6.5.4 Status of Meetings

Open to the public (in part).

6.5.5 Reports to

The Council

¹ In the case of such disciplinary action regard must be had to the Code of Conduct in **Part 5a** and a Councillor should not sit if the Officer's right to a fair hearing could then be called into question.

² Appointments below Director level must be dealt with by the Chief Executive or nominee as the Local Authorities (Standing Order) Regulations 2001 require.

³ Disciplinary action against officers below Director level must be dealt with by the Chief Executive or nominee, although the Council's disciplinary capability and related procedures (as adopted from time to time) may allow a right of appeal to Members in respect of dismissal.

6.6 The Two Appeals Committees (A and B)

There are 2 Appeals Committees A and B. Each Committee is authorised to deal with the appeals and applications set out below. Committees will be convened in turn by rota, subject to the availability of Councillors.

6.6.1 Membership of each Committee

7 Councillors

No Cabinet Member shall be a member of either Appeals Committee.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.6.2 Quorum

As per Standing Order 38.1

6.6.3 Terms of Reference

To determine the following appeals against any decision by or on behalf of the Council, the Executive or any Committee:

(a) Employee Appeals

Appeals in respect of:

- Dismissals
- Disciplinary, grievance, capability or sickness decisions taken by the Chief Executive or a Deputy Chief Executive.

(Note: Job Evaluation appeals and disciplinary, grievance, capability or sickness decisions taken by officers other than the Chief Executive or a Deputy Chief Executive will not be dealt with by either Committee, save that appeals against dismissal will always be dealt with by Committee A or B.)

(b) Education Appeals

- To consider written appeals from parents / carers / students against the refusal of the Council to provide free pupil/student transport.
- To determine appeals from students against decisions by the Executive Director (Children & Public Health) to refuse applications for Discretionary Awards and Standards Fund Awards.

6.6.4 Status of Meetings

Private

6.6.5 Procedure at Meetings

- (a) The Chief Executive shall arrange for an Appeals Committee to be convened as and when required. They will select each Committee A and B in turn provided that sufficient Councillors are available.
- (b) Meetings of the Appeals Committees will be conducted in accordance with appropriate legislation, procedures and the principles of natural justice which shall take precedence over Standing Orders and in particular Standing Order 39 shall not apply.

6.6.6 Reports to

The Council (for information)

6.7 General Purposes Committee

6.7.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.7.2 Quorum

As per Standing Order 38.1

6.7.3 Terms of Reference

- (a) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.
- (b) All matters relating to Public Rights of Way set out in Part 1 of Schedule 1 to the Functions Regulations and non-executive highway functions and functions relating to trees, hedgerows and pavements.
- (c) All functions relating to elections, the name and status of the area and individuals, including the responsibility for recommending to the Council the making or amending of bye laws, approving the Council’s accounts, discharging the Council’s functions under S.151 Local Government Act 1972, payments for maladministration, etc. as set out in Schedule 1 to the Functions Regulations.
- (d) The Enforcement of Byelaws.
- (e) To undertake all functions relating to the registration of common land and Town & Village Greens.
- (f) To judge applications and make recommendations to the Council for the award of Freedom of the City and conferring the title of Honorary Alderman / Honorary Alderwoman.
- (g) To consider and determine nominations in respect of other honours and awards introduced from time to time by the Council.
- (h) To deal with any other non-executive functions not assigned to any other Committees or not reserved to Council

6.7.4 Status of Meetings

Open to the public

6.7.5 Reports to

The Council

6.8 Health & Wellbeing Board

6.8.1 Membership

6 Councillors to include the Cabinet Member with responsibility for health. (The Mayor and members of People Scrutiny Committee shall not be members of the Board).

The following co-opted members with voting rights:

Chief Executive
Executive Director (Children & Public Health)
Director of Public Health
NHS England – Essex Local Area Team – Local Area Team Director
Healthwatch Southend Representative (x1)
NHS Southend Clinical Commissioning Group (CCG):

- CCG Clinical Chair
- CCG PEC Chair
- Clinical Accountable Officer

The following co-opted members without voting rights:

- Chief Executive, Essex Partnership University Trust (EPUT)
- Chief Executive, Southend University Hospital Foundation Trust (SUHFT)
- Chief Executive, Southend Association of Voluntary Services (SAVS)
- Director of Culture, Tourism and Property
- Chief Executive/Chief Officer – Pre-school Learning Alliance
- STP Programme Director
- Independent Chair (Safeguarding Boards – LSCB and SAB)

The Chair of the Council's People Scrutiny Committee with observer status, including the ability to ask questions and make comments.

Should the Council wish to vary the composition of the Health & Wellbeing Board, it shall only do so after having consulted with the Board.

The meetings to be chaired by either the Leader of the Council or the Cabinet Member with responsibility for health.

Substitutes: Councillor substitutes to be appointed in accordance with Standing Order 31

Co-opted Member substitutes to be appointed must be at a sufficiently senior level for the organisation they represent.

Proportionality: Applies to the elected Councillors on the Board by convention.

6.8.2 Quorum

The quorum shall be 4 including as a minimum the following representatives:

- 2 Southend-on-Sea Borough Councillors
- 1 Representative from the CCG

6.8.3 Terms of Reference

- To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping healthcare commissioning.
- To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) so that future commissioning / policy decisions and priorities are evidence based.

- To determine the health improvement priorities in Southend.
- To promote integration, collaboration and partnership working.
- To oversee development of a Joint Health and Wellbeing Strategy (JHWS), which sets out improvement for health and wellbeing outcomes, including reduction in health inequalities that provides a framework for commissioning plans related to health and wellbeing.
- To promote and encourage integration and partnership working including joint commissioning, pooled budgets and joint delivery across the NHS, social care, public health and other service providers.
- To initiate and support stakeholder and community engagement and consultation work in relation to health and wellbeing issues.
- To appoint task and finish groups / sub-committees for specific pieces of work that support or inform health and wellbeing across Southend.
- To sign-off key commissioning plans, strategy and policy related to health and wellbeing and health inequalities.
- To oversee the development of the pharmaceutical needs assessment.
- To performance manage the achievement of and progress against key outcomes identified within the JHWS.
- To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JHWS.
- To oversee the strategic governance for Fulfilling Lives. A Better Start Programme.

6.8.4 Status of Meetings

Open to the public

6.8.5 Reports to

The Council

7. Standards Committee

7.1 Membership

9 Councillors

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

2 Leigh-on-Sea Town Councillors (substitutes are permitted) as non-voting members
2 Independent Persons (observers)

7.2 Quorum

As set out in Standing Order 38.1 (**Part 4(a)**)

7.3 Terms of Reference

These are set out in Article 9.03 in **Part 2** of the Constitution and the procedures for dealing with Complaints against Members alleging a breach of the Members' Code of Conduct are set out in **Part 4(i)** of the Constitution.

7.4 Status of Meetings

Open to the public (in part)

7.5 Reports to

The Council

HEARING SUB-COMMITTEE

(a) Membership

3 members of the Standards Committee

The Sub-Committee and its Chair will be appointed by the Monitoring Officer after consultation with the Chair of the Standards Committee, from members of the Standards Committee subject to members availability

1 Leigh-on-Sea Town Councillor as a non-voting Co-opted Member when the Sub-Committee is dealing with allegations against a Town Councillor

Independent Person (observer)

(b) Quorum

3

(c) Terms of Reference

To conduct Hearings and make determinations in respect of complaints against Councillors and Co-opted Members

Note: The Sub-Committee shall carry out these duties in accordance with the Complaints against Members Rules in **Part 4(i)** of the Constitution.

(d) Status of Meetings

The normal principles of access to Council meetings apply

(e) Reports to

Standards Committee

8. Audit Committee

8.1 Membership

9 Councillors (to include not more than one Cabinet Member, who should not be the Leader) and one non-voting Co-opted Member.

At least 1 member should have financial expertise.

The Chair shall not be a Cabinet Member.

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

8.2 Quorum

As per Standing Order 38.1

8.3 Terms of Reference

8.3.1 The Audit Committee is a key component of the Council's corporate governance arrangements. It provides an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

8.3.2 The purpose of the Audit Committee is to:

- provide independent assurance of the adequacy of the risk management framework and the internal control environment;
- provide independent review of its governance, risk management and control frameworks;
- oversee the financial reporting and annual governance processes; and
- oversee internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

8.3.3 In order to be able to discharge its statutory responsibilities, its remit will cover:

- The Council's assurance statements, including the Annual Governance Statement, so it can satisfy itself that they:
 - properly reflect the risk and internal control environment and any actions required to improve it; and
 - demonstrate how governance supports the achievements of the Council's objectives.
- The Council's internal audit function, with regards to its:
 - independence, objectivity, performance, professionalism and effectiveness;
 - use within the Council's overall assurance framework.
- The Council's risk management arrangements and control environment so it can:
 - consider its effectiveness;
 - review the organisation's risk profile and assurances provided that action is being taken on risk related issues, including those involving partnerships with other organisations.
- The Council's control environment, so it can evaluate its effectiveness, particularly with regard to ensuring:
 - the effective exercise of the Council's functions;
 - value for money is delivered;
 - the exposure to the risks of fraud and corruption are managed.
- reports and recommendations made by external audit and inspection agencies and their implications for governance, risk management or control;
- the financial statements, external auditor's opinion and reports to Councillors and responses by management to issues raised by external audit;

- treasury management, so it can effectively scrutinise and monitor delivery of the strategy and policies in accordance with the CIPFA Treasury Management Code of Practice; and
- the functions and effectiveness of the Audit Committee, including the production of its annual report.

8.3.4 The Committee will meet four times per year, with dates included in the Council Calendar. Further meetings can be arranged on an ad hoc basis as the Audit Committee deems appropriate.

8.3.5 The Executive Director (Finance & Resources) (S151 Officer), the Head of Internal Audit and the Council's External Auditors will be invited to attend every Audit Committee meeting. As well as reviewing documentation, the Audit Committee exercise the right to invite any other officers, Chairs of other Committees or Cabinet Members to attend before it, as and when required. This would be to provide assurance in relation to the adequacy of the governance arrangements, risk management and control frameworks pertaining to their area of activity / responsibility.

It is the duty of those persons to attend if so required.

Where any Councillor or officer is required to attend the Audit Committee under this provision, maximum notice will be given.

Where in exceptional circumstances, the Councillor or officer is unable to attend on the required date; an alternative date will be agreed with the Chair.

8.4 Status of Meetings

Open to the public

8.5 Reports To

Council

9. Other Forums, Panels and Bodies reporting to the Council or Elsewhere (but not to the Cabinet)

9.1 Adoption Panel

9.1.1 Membership

1 Councillor. The Councillor must have an interest in the work, be trained, CRB vetted and have the time to devote to the subject. Substitutes are not permitted.

Up to 8 other representatives in accordance with the Adoption Agencies Regulations 1983.

9.1.2 Quorum

6

9.1.3 Terms of Reference

To make recommendations to the Adoption Agency on individual cases referred to it pursuant to Regulation 10 of the Adoption Agencies Regulations 1983.

9.1.4 Status of Meetings

Private.

9.1.5 Reports to

The Adoption Agency.

9.2 Fostering Panel

9.2.1 Membership

2 Councillors. The Councillors must have an interest in the work, be trained, CRB vetted and have the time to devote to the subject. Substitutes are not permitted

Up to 10 other representatives comprising a chairperson who is either a senior member of staff or an independent experienced person, 2 social workers and at least 4 other persons who are independent.

9.2.2 Quorum

5

9.2.3 Terms of Reference

To recommend to the duly authorised officer of the Council:

- Approval of foster carers
- Review of foster carers
- Matching foster carers with “children in care”
- Termination of fostering approval

9.2.4 Status of Meetings

Private

9.2.5 Reports to

The Director of Children’s Services or Executive Director (Children & Public Health)

9.3 Dignity in Care Establishments Visiting Panel

9.3.1 Membership

8 Councillors (by convention political proportionality shall apply but substitutes are not permitted).

All members of the Panel shall be CRB checked to enable them to carry out visits to the premises referred to below.

9.3.2 Quorum

N/A

9.3.3 Terms of Reference

- To make announced and unannounced visits to Residential Care Homes operated by the Council;
- To make announced visits to Residential Care Homes which the Council contract with to provide placements.

9.3.4 Status of Meeting

Private

9.3.5 Reports to

The Deputy Chief Executive (People) and (in the case of major issues) to the Council

9.4 Independent Remuneration Panel

9.4.1 Introduction

- (a) Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") require councils to establish and maintain an independent remuneration panel.
- (b) The purpose of this panel is to make recommendations to the authority about the allowances to be paid to elected Councillors.
- (c) The 2003 Regulations provide for independent remuneration panels to have the following functions:
 - To make recommendations to the authority as to the amount of basic allowance which should be payable to its elected Councillors.
 - To make recommendations to the authority about the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance.
 - To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
 - To make recommendations as to the responsibilities or duties in respect of which a travelling and subsistence allowance should be available and the amount of such an allowance.

9.4.2 Membership

3 independent members. Elected Councillors cannot be members of the panel.

9.4.3 Quorum

3

9.4.4 Terms of Reference

- (a) To make recommendations to the Council on matters relating to Councillors' Allowances
- (b) To make recommendations to Leigh-on-Sea Town Council on its Councillors' Allowances Scheme, if that Council so requires.

9.4.5 Reports of the Panel

The Council must have regard to the recommendations made to it by the Independent Remuneration Panel when making or amending its Councillors' Allowances Scheme.

9.5 Secure Accommodation Review

9.5.1 Membership

Any one of the Councillors sitting on the Establishments Visiting Panel who have been police vetted to enable them to carry out visits to children's homes and children's day centres.

Substitutes: Not permitted
Proportionality: Does not apply

The Executive Director (Children & Public Health) (or nominee) and an independent person as defined in the Children (Secure Accommodation) Regulations 1991.

9.5.2 Quorum

3

9.5.3 Terms of Reference

To undertake secure accommodation reviews in accordance with the Children (Secure Accommodation) Regulations 1991.

9.5.4 Status of Meeting

Private

9.5.5 Reports to

Executive Director (Children & Public Health)

9.6 Disciplinary Advisory Panel

9.6.1 Membership

The 2 Independent Persons who have been appointed under S.28(7) of the Localism Act 2011.

If one or both of these Independent Persons was not able to take part in a Disciplinary Advisory Panel then another Independent Person would need to be appointed or an Independent Person(s) from another authority would be invited to form the Panel as specified in the Local Authorities (Standing Orders) (England) Regulations 2015.

Substitutes: n/a
Proportionality: n/a

9.6.2 Quorum

2

9.6.3 Terms of Reference

- (a) To give advice, views or recommendations to full Council when it is considering whether or not to approve the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

- (b) In giving advice to full Council, the Panel shall have regard to the views of the Appointments and Disciplinary Committee which will already have been involved in the process and the relevant papers.
- (c) The Panel must be appointed at least 20 days before a meeting of full Council to consider whether or not to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer

9.6.4 Status of Meetings

Private

9.6.5 Reports to

Council

9.7 Southend LSCB / SAB Scrutiny Panel

9.7.1 Membership

9 Councillors, from the People Scrutiny Committee
 The Cabinet Member for Children & Learning and the Cabinet Member for Health & Adult Social Care to attend the meetings as 'participant observers'.
 Plus non-executive members of partners' Boards.

Substitutes: Permitted in accordance with Standing Order 31
 Proportionality: By convention political proportionality shall apply

9.7.2 Quorum

3

9.7.3 Terms of Reference

- (a) to scrutinise the work of the LSCB and SAB to ensure it is effective in monitoring and coordinating the safeguarding of children and adults in Southend and it is representative of the needs and views of the Southend community.
- (b) feed back any safeguarding issues identified to the LSCB / SAB and relevant partner agencies.
- (c) Champion the safeguarding of children / adults within partner agency boards.
- (d) Represent the views and interests of the Southend community.
- (e) Receive from the Executive reports on progress to implement actions arising from issues identified by the Panel and agreed by the LSCB / SAB.
- (f) In executing its role Scrutiny Panel will scrutinise the Board agendas, reviewing items suggested by the chair of the Executive, and any other items it requests.
- (g) The Panel may invite officers of partner agencies to attend meetings where it wishes to improve its knowledge of safeguarding processes and procedures.
- (h) For the avoidance of doubt:
 - The focus of the Panel is not to scrutinise the minutia of every item on the Board agendas, but rather to identify matters of concern/interest to panel members and address these matters in depth
 - It is not the role of the Panel to scrutinise the work of partner agencies outside of the Board agendas. Where Panel members identify safeguarding children issues in the community not already covered by the Board agendas these should be raised by the relevant Lead Member with the Boards, who will agree any relevant action

- The Panel may invite officers of partner agencies to attend meetings where it wishes to improve its knowledge of safeguarding children processes and procedures.
- The Panel may not invite officers of partner agencies to attend meetings in order to scrutinise the safeguarding efficacy of those agencies, which is the role of the LSCB / SAB.

9.7.4 Status of Meetings

Private

9.7.5 Reports to

The Panel expresses its views to the relevant Boards, which are not Council bodies.

9.8 PVX Appeals Panel

9.8.1 Membership

The Head of Traffic & Highways (or in their absence the Executive Director (Neighbourhoods and Environment)), a Council engineer independent of the original decision relating to the PVX in question, the relevant Ward Councillors

Substitutes:	Not permitted
Proportionality:	Does not apply

9.8.2 Quorum

Both Council officers referred to above and at least one Ward Councillor

9.8.3 Terms of Reference

To consider written additional evidence from applicants for a Domestic Vehicle Crossing and decide if the Council has correctly applied its policies or if there are sufficient mitigating circumstances to allow a divergence from the Council policy and allow a crossover.

9.8.4 Status of Meeting

Private

9.8.5 Reports to:

Executive Director (Neighbourhoods & the Environment)

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Part 4(e) – Overview & Scrutiny Procedure Rules

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Part 4 (e) – Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council's scrutiny function is performed by the scrutiny committee as set out in Article 6 and will appoint to them as it considers appropriate.

2. Who may sit on the Scrutiny Committee

All Councillors except members of the Cabinet and Mayor may be members of the scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.

The People Scrutiny Committee shall include within its membership the following Co-opted Members:

- 1 x Church of England diocese representative (voting);
- 1 x Roman Catholic diocese representative (voting);
- 2 x Parent governor representatives (voting);
- 3 x Non-voting Co-opted Members: one appointed by SAVS (through election amongst voluntary organisations in the City), one appointed by Healthwatch Southend and the other appointed by the Carers Forum; and
- 2 x Observers appointed by Southend Youth Council

3. Meetings of the Scrutiny Committee

A schedule of meetings will be published. Additional meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair of the Scrutiny or by any five members of the Committee or by the Chief Executive if they consider it necessary or appropriate.

4. Quorum

The quorum for a scrutiny committee shall be five. The quorum must be maintained for the duration of the meeting.

5. Who chairs the Scrutiny Committee?

~~Chairs and vice chairs of the scrutiny committees will be drawn from among the opposition Councillors sitting on the committee.~~ Chairs and Vice Chairs of the Scrutiny Committees will be drawn from among the Councillors sitting on the Committee.

6. Work programme

The scrutiny committees will be responsible for setting their own work programme (having due regard to Council resources) and in doing so they shall consider the wishes of members on that committee. The work programme should include requests from the Council and the Cabinet for advice. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee. Appendices 2 and 3 provides guidance on setting a work programme.

In addition to the more in-depth scrutiny work undertaken by the working parties during the municipal year, the committee may wish to undertake pre-decision scrutiny on decisions in their final form before their consideration at Cabinet. Appendices 3 and 4 sets out how pre-decision scrutiny works in practice.

7. Agenda items

Any elected Councillor may give written notice to the Chief Executive that they wish an item relevant to the functions of the scrutiny committee and relating to a Councillor Call for Action (CCfA) in their ward which cannot be resolved through normal channels, to be included on the agenda for the next available meeting of the committee (in accordance with the Local Protocol on CCfA in Part 5(g) of the Constitution). On receipt of such a notice the Chief Executive will assess whether it is validly submitted and complies with the guidance issued by the Secretary of State. If they are satisfied that it is valid, they shall arrange for investigation and submission of an initial report on the matter for consideration on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Cabinet and / or Council. The Council and / or the Cabinet shall consider the report of the scrutiny committee within one month of receiving it.

The People Scrutiny Committee will consider referrals made by Healthwatch Southend.

8. Policy review and development

The role of the scrutiny committees in relation to the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules (Part 4(c)).

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-

committees may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.

Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from the Scrutiny Committee

Once it has formed recommendations on any matter, a scrutiny committee may prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

If a scrutiny committee cannot agree on one single final report to the Council or Cabinet on proposals on any matter as referred to above, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

The Council or Cabinet shall consider the report of the scrutiny committee normally within 8 weeks of it being submitted.

10 Making sure that scrutiny reports are considered by the Cabinet

The agenda for Cabinet meetings shall include an item entitled "Issues arising from scrutiny". The reports of scrutiny committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the scrutiny committee completing its report.

Only one report every three months may be submitted by each scrutiny committee to the Cabinet.

Scrutiny committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following a consideration of possible policy / service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. Rights of Scrutiny Committee members to documents

In addition to their rights as Councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4(b).

Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees as appropriate depending on the matter under consideration.

12. Councillors and officers giving account

The scrutiny committee will confine its questions to the particular issue on the agenda. Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. This power does not relate solely to scrutiny of decisions taken and can be used to ask a Cabinet Member, for example, about forthcoming issues, provided due notice is given. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and / or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and / or
- (iii) their performance,

and it is the duty of those persons to attend if so required.

Where any Councillor or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the Chief Executive. The Chief Executive shall inform the Councillor or officer in writing giving at least 15 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Councillor or officer arrange an alternative date for attendance to take place within a maximum of 15 days from the date of the original request.

13. Attendance by others

A Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14. Call-in

Only key decisions can be called-in, urgent key decisions cannot be called in.

Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles set out in Article 13.02. The right to call-in should not be abused.

Where a decision is made by the Cabinet, the decision shall be published in a Digest, including where possible by electronic means, and shall be available at the main offices of the Council as soon as possible after the Cabinet meeting. The Digest will be sent to all Councillors.

The published decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented at 4.00pm on the fifth working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.

During this period, the Chief Executive shall call-in a decision for scrutiny by the relevant scrutiny committee if so requested by at least 3 members of the Council (not including Cabinet Members) or voting co-opted members and providing the request complies with the requirements set out in the reasons for call-in below. For the purposes of this provision the education co-opted members referred to in paragraph 3 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.

Councillors requesting that a decision be called-in for scrutiny shall complete a call-in form (attached at Appendix 1) either electronically or on paper and indicate one councillor as the lead councillor for the call-in and send it to the Chief Executive.

The councillors requesting the call-in must include reason(s) why the decision should be scrutinised.

A reason for call-in shall not be valid if:-

- (i) the reason for call-in does not relate directly to the decision;
- (ii) the reason for call-in is answered by information already to be found in the report relating to the decision;
- (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
- (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
- (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months;
- (vi) there was sufficient time for pre-decision scrutiny.

On receipt of a call-in form the Chief Executive will arrange for:

- (a) the call-in form to be acknowledged in writing;
- (b) consideration that the call-in is valid within these Rules;

If the call-in is valid:

- (c) Cabinet to be formally notified in writing of the receipt of a call-in; and
- (d) the Chair of the scrutiny committee to be informed (if the Chair is not a party to the call-in).

If the call-in form states that the decision is outside of the budget and policy framework of the Council, the Chief Financial Officer or Monitoring Officer (as appropriate) will prepare a report for the scrutiny committee upon the matter.

Prior to the meeting of the scrutiny committee arranged to consider the call-in item, the Chair shall arrange an informal meeting with the lead councillor calling in the decision and the lead Cabinet Member to discuss the issue. All members who have signed the call-in request will be invited to the informal meeting, providing the number of signatories does not exceed three.

Where at the informal meeting stage assurances are given by, or agreements reached with the lead Cabinet Member, then those assurances or agreements must subsequently be confirmed in writing.

A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the scrutiny committee.

If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the scrutiny committee.

The committee should normally meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the committee will be used. Where this is not possible the Chief Executive will liaise with the parties concerned to arrange a special meeting.

A decision may not be called-in where the scrutiny committee scrutinised the decision before it was taken and made recommendations to Cabinet and those recommendations have been accepted by Cabinet either in whole or without significant addition or modification.

To facilitate the proper scrutiny of the decision being called-in, the lead councillor shall provide the scrutiny committee members with an outline of the case to be presented and any supporting evidence not less than three working days prior to the date of the scrutiny committee meeting.

Where a decision has been called-in and none of the councillors who have called-in the decision attends, the scrutiny committee will have the option of confirming the decision without any further discussion.

The Chair of the scrutiny committee shall primarily confine the debate at the meeting to the reasons stated on the call-in form.

The options available to the scrutiny committee in respect of a called in matter are as follows:

- a) To note the Cabinet's decision – in which case the decision takes effect immediately
- b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within 28 days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in.
- c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.

If a matter is referred to the full council in accordance with paragraph (c) above, the Chief Executive, in consultation with the Mayor, shall call an extraordinary meeting of the council within seven working days.

Essentially the same procedures also apply to the call-in of key decisions by the Cabinet Committee and officers. However, in the latter case if the scrutiny committee refers the matter back, it will be considered again by the officer who will refer the matter to Cabinet.

15. Call-In and Urgency

The call-in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Cabinet is urgent or becomes urgent during the call-in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Cabinet, the decision is or has become an urgent one, and therefore not, or no longer subject to call-in.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16. Procedure at Scrutiny Committee meetings

Scrutiny committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee in relation to call-in of a decision;
- (iv) responses of the Cabinet to reports of the scrutiny committees; and
- (v) the business otherwise set out on the agenda for the meeting.

Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee / sub-committee shall prepare a report for submission to Cabinet and / or Council as appropriate and shall make its report and findings public.

Appendix 1

This form may be used to request a call in of any key decision (except urgent decisions) taken by the Cabinet or an officer acting under delegated powers.

This form must be completed by at least 3 voting members of the Council and must be delivered to the Chief Executive by 4pm of the fifth working day following publication of the decision.

We, the undersigned, request that the following decision be scrutinised by theScrutiny Committee for the reasons set out below:-

The decision of the Cabinet on20.. item ; or
The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No..... dated

Reasons for call in:

Names

1.
2.
3.

Please indicate the lead representative who must present the case at the scrutiny committee meeting.

Scrutiny work programme

At the first meeting of each scrutiny committee in the municipal year, the committee will set their work programme (having due regard to Council resources) and in doing so they shall consider the wishes of members on that committee. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive. The Executive shall consider the report of the scrutiny committee at the next available meeting.

The Committees should anticipate that during the municipal year they may wish to undertake pre-decision scrutiny or call-in a decision and accordingly it is advisable leave sufficient time within the planned work programme for these eventualities.

Issues suitable for scrutiny

The following criteria can help to determine a scrutiny committee's programme. A topic does not need to meet all of these criteria in order to be scrutinised, but they are intended as a guide for prioritisation.

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

Other points also need to be taken into account when considering whether to review a particular issue:

- Is the subject specific – so that those undertaking the scrutiny can understand exactly what they are scrutinising?
- Is it achievable within the timescale allowed?

The following criteria may also be helpful in identifying what issues are not suitable for scrutiny:

- The issue is already being examined by another body.
- The matter is sub judice or prejudicial to the Council's interests.
- The matter relates to a specific case falling within the complaints procedure.
- The issue relates to an individual disciplinary matter or grievance.

It will be important for members to:

- Ensure that the programme includes a balance of different types of work, including short, medium and long term reviews.
- Issues could be considered at single meetings, or may need to be the subject of a longer term, more in-depth scrutiny review;
- Have regard to the ongoing work of the scrutiny committees, including performance monitoring, budget scrutiny, crime and disorder scrutiny and consideration of the Corporate Plan;
- Ensure that the scrutiny committees retain sufficient capacity to respond to issues that may arise within the year, including pre-scrutiny and call-ins;
- Take into account the resources available to support scrutiny.

The scrutiny chairs will need to consider how best to carry out the pieces of work in discussion with relevant officers and the scrutiny team.

PRE-DECISION SCRUTINY

What is pre-decision scrutiny?

1. Pre-decision scrutiny applies to scheduled Cabinet business and provides the opportunity for consultation with non-Executive Members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinet. This provides scrutiny Councillors with the ability to make comments on a proposed decision before it is made, thereby giving scrutiny a valuable opportunity to influence decision-making through debate and challenge.
2. Pre-decision scrutiny is usually undertaken two or three weeks before a key decision is made at Cabinet. This provides councillors on scrutiny committee to consider and make recommendations on decisions in their final form.
3. The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns, or a view that the decision should be deferred pending further work, etc.
4. It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

What pre-decision scrutiny is not

5. Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.
6. Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there will be occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.
7. Pre-decision scrutiny is not a call to carry out an in-depth inquiry into a matter. It refers to a one-off consultation on a specific report.

Who undertakes pre-decision scrutiny?

8. Pre-decision scrutiny is about accountability for decision-making. The scrutiny of decisions and holding the Council's Executive to account is a role that is carried out by the Council's three Scrutiny Committees.
9. The selection of matters for pre-decision scrutiny should have regard to whether the matter has already featured in scrutiny work plans.

Impact on work plans

10. Pre-decision scrutiny is only one of a variety of roles and possible activities that scrutiny may be involved in, and any desire to undertake pre-decision scrutiny will need to be balanced with other activities.
11. Pre-decision scrutiny does not automatically require scrutiny to carry out any in-depth work. The presumption is that a single meeting is sufficient to formulate views. Should the committee feel that more work is necessary then it will need to recommend that to Cabinet. If the committee wishes to carry out any aspect of work in relation to the proposed decision, it will need to state this in its response to the Cabinet.
12. An item for pre-decision scrutiny need not automatically pose a significant impact on the existing work programme, the committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

Impact on the Executive

13. The committee will depend on the cooperation of the Executive in facilitating the involvement of scrutiny. Pre-decision scrutiny will have an impact on existing decision-making procedures, and the time of both councillors and officers involved in the production of Cabinet reports. Pre-decision scrutiny would be facilitated by forward planning and a degree of flexibility on decision-making timetables.

The process

14. The process for pre-decision scrutiny is summarised in the attached flow-chart (Appendix 4). The process is based on a selective approach through identification of items from the City Council's Forward Plan.
15. Only one scrutiny committee may undertake pre-decision scrutiny.

Identification / Selection

16. The City Council publishes its Forward Plan on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the chair of a scrutiny committee or a group leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.
17. In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:

- The matter is not the subject of a Cabinet decision-making report
- The matter has already been subject to extensive consideration by scrutiny
- Where pre-decision scrutiny would require that an urgent matter is delayed and that this delay would be detrimental to the interests of the Council
- Whether there is any constitutional or legal reason why pre-decision scrutiny should not take place

Notification

18. The relevant Cabinet Member and relevant Director will be notified of those matters identified for pre-decision scrutiny at the earliest opportunity and advice sought on timing / implications.
19. The relevant Director will advise on the decision-making timetable.

Inclusion in Work Plan

20. Where possible those matters that have been considered appropriate for pre-decision scrutiny will be included in the work plan.
21. At the same time the committee will have to consider the implication on its own time to undertake meaningful pre-decision scrutiny and will need to manage and modify its work programme accordingly.

Consideration

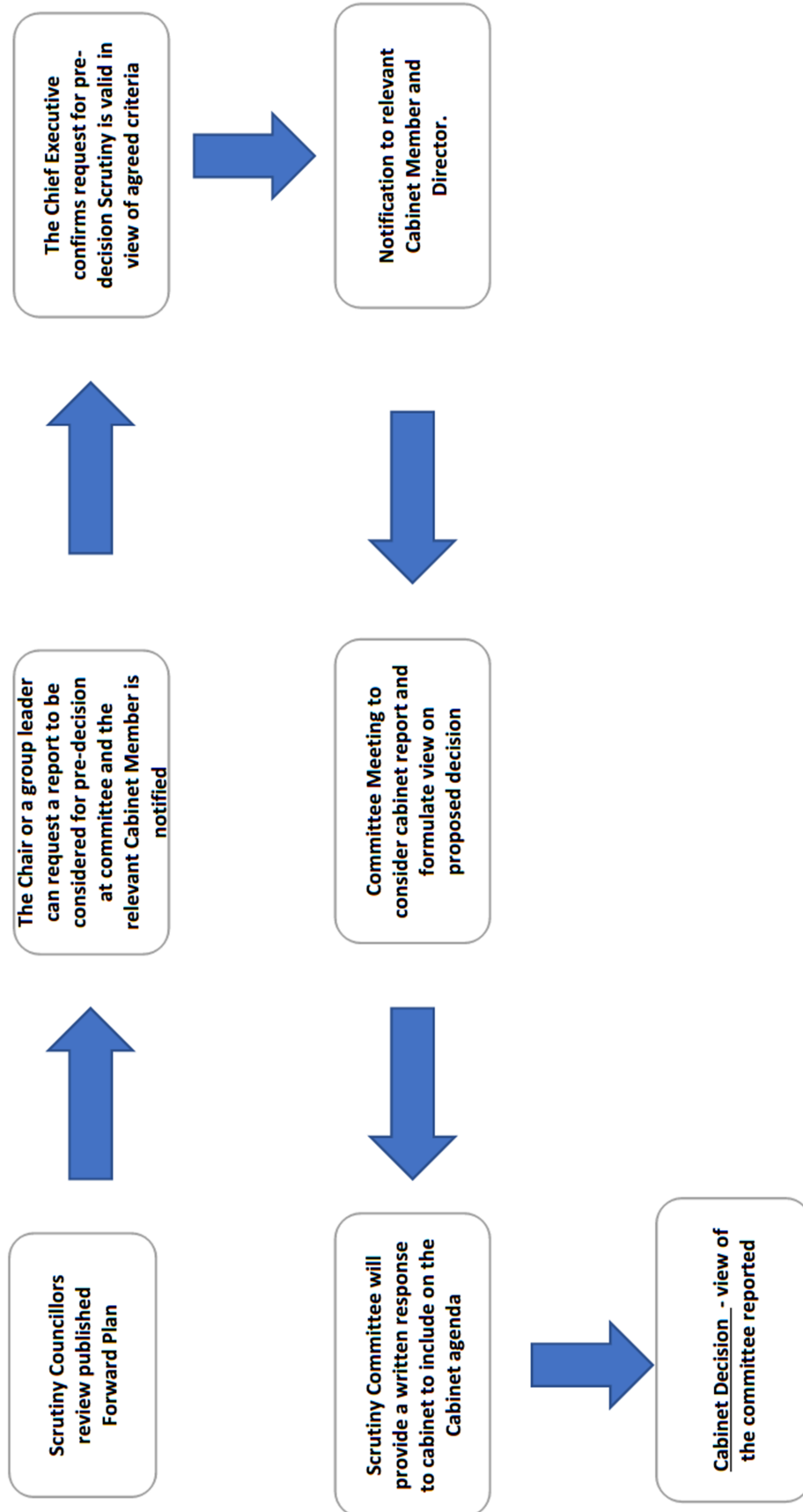
22. Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice and assist the committee in their consideration.
23. Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the committee would be expected to focus on:
 - The reasons for the proposed decision and robustness of the process
 - Whether the report outlines all the known or potential implications (including policy/budget issues) and risks
 - Whether the report adequately examines all the available options
 - Whether there has been adequate consultation on the proposals
24. Meetings will be open to the public (unless an exemption applies).

Decision

25. The Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. Otherwise, the chair of the committee will be invited to address the Cabinet during consideration of the report to outline the views of the committee prior to decision.

26. Where possible the Cabinet report should include a section on the outcome from the committee meeting and if necessary, demonstrate how the views expressed by the committee have been addressed.

Pre-decision scrutiny



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Meeting: General Purposes Committee
Date: 13 June 2024
Classification: Part 1
Key Decision: N/A
Title of Report: **Report of Monitoring Officer requesting a Review of the Constitution**

Executive Director: Claire Shuter (Executive Director – Strategy & Change)
Report Authors: Susan Zeiss (Director Legal Services – Monitoring Officer)
Executive Councillor: Cllr Ian Gilbert, Cabinet Member for Regeneration, Major Projects and Regulatory Services

1. Executive Summary

- 1.1 This report asks General Purposes Committee (“GPC”) to agree to the commissioning of a complete review of the Council’s constitution and the proposed scope of that review.
- 1.2 It also sets out a proposal that cross-party Member engagement with the progress of the review should be by Standards Committee, which committee will then make recommendations for the adoption of a new constitution, in whole or in part, to Council.
- 1.3 The report furthermore asks that GPC recommend to Council that the delegation of functions to Standards Committee be amended to include the receipt of reports from the Monitoring Officer on any amendments and alterations to the constitution.
- 1.4 This is a departure from the current custom and practice which is for any changes to the constitution to be considered by this Committee before being reported to Council.

2. Recommendations

That General Purposes Committee agrees and recommends to Council:

- 2.1 **That authority be delegated to the Monitoring Officer to commence a review of the whole of the Council’s constitution and to report on all proposed changes to Standards Committee for recommendation to Council in a future report or series of reports;**

- 2.2 That those future amendments and alterations to the constitution first be considered at Standards Committee through a report or reports from the Monitoring Officer and that the Standards Committee makes recommendations on the suggested amendments and alterations to Council for decision and eventual adoption of a new constitution;**
- 2.3 That the Monitoring Officer be authorised, in consultation with the Leader, to make all necessary amendments to the Responsibility for Functions (Part 3 Schedule 2 paragraph 7), Terms of Reference for Standards Committee and other relevant parts of the constitution to reflect the Council’s decision (if made) in Recommendation 2.1 above.**

3. Background

- 3.1 The Council is required to have a set of Standing Orders (section 9P of the Local Government Act 2000 (“the Act”)) which must include certain mandatory provisions set out in legislation as well as the Council’s Code of Conduct for Councillors. This is known as the Constitution.
- 3.2 Article 1.04 of the Constitution requires that: “The Council will monitor and evaluate the operation of the Constitution with the assistance of its Standards Committee if necessary”.
- 3.3 The Monitoring Officer is tasked with maintaining the Constitution and Articles 4 and 15 respectively provide that Council may adopt and change the Constitution and that (subject to the authority given to the Chief Executive in consultation with the Monitoring Officer and Group Leaders, to make minor amendments in certain circumstances), changes to the Constitution will only be approved by the full Council on a report from the Monitoring Officer.
- 3.4 A good constitution is one that is used and understood by both Members and Officers and not just governance professionals. Everyone has an individual and collective responsibility to understand the principles behind the rules in the constitution, as well as applying them on a day-to-day basis, and therefore it is important that both Members and Officers have a role in reviewing it to ensure successful implementation.
- 3.5 It is important that the Constitution supports and complements the Council’s governance framework and the values of the Council.
- 3.6 It has been recognised for a number of years that Southend City Council’s Constitution requires improvement. Various amendments have been made to rectify individual provisions, but these have not informed the whole, resulting in contradicting and out-of-date content.
- 3.7 The Monitoring Officer, having studied the Constitution herself, having taken into account the report of the Peer Review in 2022 and advice prepared by external solicitors on the Constitution in 2021, agrees that it should at the very least undergo a thorough review and positively recommends that it be rewritten.

3.8 The Chief Finance Officer has indicated that there is financial provisions available in the Budget to support the commissioning of external legal support for this work.

4. Member Engagement Through Standards Committee.

4.1 Section 53 of the Act makes it a legal requirement for every council to have Standards Committee and Section 54 stipulates that the responsibility for promoting and maintaining high standards of conduct is a primary function of a Standards Committee.

4.2 Section 54(3) of the Act provides that “A relevant authority may arrange for their standards committee to exercise such other functions as the authority consider appropriate.”

4.3 As the Standards Committee already has the responsibility for upholding the Code of Conduct, which forms part of the Constitution as well as for upholding and maintaining high standards of conduct in the Council, it would seem to be the most appropriate body to monitor the progress of the constitutional review as well as any future proposed changes to the Constitution. As a politically-balanced body, Standards Committee will provide committee cross-party Member engagement and make recommendations to Council for decision.

4.4 There is no specific delegation or term of reference in the Constitution which currently allocates this function to GPC. This appears to have become the custom and practice, however, which it is recommended be changed to align the functions of Standards Committee.

5. The Scope of the Review and Next Steps

5.1 Due to the number of contradictions and inconsistencies contained in the Constitution, it is recommended that a complete review is undertaken which may result in the whole of the constitution being re-written in a modern and accessible form, using Plain English where possible.

5.2 The review will be led by the Director Legal Services as the Monitoring Officer, with external legal support and will require a cross-organisation approach for the drafting of technical content by relevant expert officers across the Council.

5.3 In addition, a review of the whole document will also be undertaken to update language and references and the Monitoring Officer will retain oversight of all amendments to ensure consistency throughout.

5.4 We hope to be able to present a new draft constitution for agreement and adoption by Council by the end of 2024.

5.5 We will then roll out a training and familiarisation programme to officers and Members as appropriate.

6. Financial Implications

6.1 The external review of the constitution is likely to cost in the region of £15k and this can be funded as a one-off cost from the Council's 2024/25 contingency.

7. Legal Implications

7.1 It is a requirement of the local Government Act that the Council has a constitution, there is a risk that the constitution in its current form may give rise to legal challenges about the Council's governance framework and decision-making procedures.

8. Alternatives Considered

8.1 The Council is required in law to have a constitution which must contain certain provisions set out in legislation. The alternatives to the recommended complete re-drafting of the constitution which have been considered are:

- a. Do Nothing and continue with the Constitution in its current form; or
- b. Undertake an amendment of the constitution in part only.

Neither of the above options will sufficiently mitigate the risk caused to the strength of the Council's governance framework and clarity of decision-making by the Constitution in its current form.

9. Consultation

9.1 There will be consultation with Members through the Standards Committee and Council, as well as engagement and training sessions with all councillors. There will be consultation with officers through engagement with the services through the drafting, decision-making and training process.

10. Appendices

None.

11. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	3 June 2024
Monitoring Officer	Susan Zeiss	5 June 2024
Executive Director(s)	Claire Shuter	30 May 2024

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