

**Public Document Pack  
SOUTHEND-ON-SEA CITY COUNCIL**

**Standards Committee**

**Date: Tuesday, 22nd October, 2024**

**Time: 2.00 pm**

**Place: Committee Room 2 - Civic Suite**

**Contact: Tim Row (Principal Democratic Services Officer)**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**AGENDA**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Tuesday 7th October 2024 (Pages 3 - 4)**
- 4 Constitution Review Stage 4 - Review of amended drafts of Parts 3 and 4 of the Work Programme (Pages 5 - 128)**

**TO: The Chair & Members of Standards Committee:**

Councillor K Robinson (Chair),

Councillors P Collins (Vice-Chair), K Buck, J Courtenay, J Moyies, K Murphy, S Nadeem,  
M O'Connor and M Terry

**COPY FOR INFORMATION to Group Leaders**

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# Public Document Pack

## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Standards Committee

**Date: Monday, 7th October, 2024**  
**Place: Committee Room 1 - Civic Suite**

# 3

**Present:** Councillor K Robinson (Chair)  
Councillors J Courtenay, A Jones\*, J Moyies, M O'Connor and  
S Wakefield  
(\*Substitute in accordance with Council Procedure Rule 30.)

**In Attendance:** Councillors D Cowan and T Cox  
S Zeiss and T Row

**Start/End Time:** 4.00 pm - 6.45 pm

#### **13 Apologies for Absence**

Apologies for absence were received from Councillors P Collins (no substitute), K Murphy (no substitute), S Nadeem (substitute: Cllr A Jones) and M Terry (substitute: Cllr S Wakefield).

#### **14 Declarations of Interest**

No interests were declared at the meeting.

#### **15 Minutes of the Meeting held on Tuesday, 10th September, 2024**

Resolved:-

That the Minutes of the Meeting held on Tuesday 10<sup>th</sup> September 2024 be confirmed as a correct record and signed.

#### **16 Constitution Review Stage 2 Agreement on Drafting Part 3 of the Work Programme and Consideration of Part 5 of the Work Programme**

The Committee received a report of the Executive Director (Strategy & Change) that presented some further amendments to the drafting of Part 1 (Summary and Explanation and Public Participation) and Part 2 (The Council) of the proposed new constitution for Southend-on-Sea City Council. These were attached at Appendices B & C to the submitted report.

The report also presented the first drafts of Part 3 (Committees), Part 4 (The Executive and Joint Arrangements) and the Part 5 (Overview and Scrutiny) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendices D, E and F to the submitted report. These had been deferred by the Committee at its last meeting.

The Committee was informed that, following consultation with the Chair, the work programme had been amended. Accordingly, the first draft of Part 5 (Overview

and Scrutiny) of the new proposed constitution would be deferred to the its next meeting, taking place on 15 October 2024. The first draft of Part 6 (Councillors) would also be considered at the next meeting.

The Committee debated and reviewed the provisions presented by Officers for Parts 3 and 4 and requested amendments and adjustments to be drafted for review at the meeting of the Committee taking place on 22 October 2024.

Resolved:-

1. That the summary of suggested drafting amendments made by Committee at its meeting on 10 September attached as Appendix A to the submitted report, be noted.
2. That, subject to the further comments made at the meeting, the revised and final drafting by officers of Part 1 (Summary and Explanation) of the proposed new Constitution as set out in Appendix B to the submitted report be approved.
3. That, subject to the further comments made at the meeting, the revised and final drafting by officers of Part 2 (The Council) of the proposed new Constitution as set out in Appendix C to the submitted report be approved.
4. That, subject to the comments made at the meeting, the first draft Part 3 (Committees) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix D to the submitted report be noted and officers make any amendments and/or additions as appropriate based on those comments for approval at the meeting of the Committee taking place on 22 October 2024.
5. That, subject to the comments made at the meeting, the first draft Part 4 (The Executive and Joint Arrangements) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix E to the submitted report be noted and officers make any amendments and/or additions as appropriate based on those comments for approval at the meeting of the Committee taking place on 22 October 2024.
6. That officers bring the first drafts of the new proposed constitution as described in Part 5 (Overview and Scrutiny) of the Work Programme for consideration by Committee at its next meeting to be held on 15 October 2024.
7. That officers bring the first drafts of the new proposed constitution as described in Part 6 (Councillors) of the Work Programme for consideration by Committee at its next meeting to be held on 15 October 2024.

**Chair:** \_\_\_\_\_

**Meeting:** Standards Committee  
**Date:** 22 October 2024  
**Classification:** Unrestricted  
**Key Decision:** No  
**Title of Report:** Constitution Review Stage 4 - Review of amended drafts of Parts 3 and 4 of the Work Programme

**Executive Director:** Claire Shuter  
**Report Author:** Susan Zeiss  
**Executive Councillor:** Cllr Daniel Cowan, Leader of the Council

## 1. Executive Summary

- 1.1 At the meeting of Standards Committee on 15 October 2024, Committee considered initial drafts for Part 5 (Overview and Scrutiny) and Part 6 (Councillors) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2 Committee debated and reviewed the provisions presented by Officers for these Parts 5 and 6 and requested amendments and adjustments to be drafted for review at the meeting on 12 November 2024.
- 1.3 Committee also agreed to review the amended drafting for Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements at this meeting).
- 1.4 This work constitutes the ongoing Stage 4 (Drafting) of the agreed Work Programme.

## 2. Recommendations

It is recommended that Committee:

- 2.1 Notes the summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 7 October and attached as Appendix A;
- 2.2 Reviews and agrees the revised and final drafting of Part 3 (Committees) of the proposed constitution as set out in Appendix B to this report;
- 2.3 Reviews and agrees the revised and final drafting of Part 4 (The Executive and Joint Arrangements) as set out in Appendix C to this report;

- 2.4 Agrees that officers bring the amended drafts of Parts 5 (Overview and Scrutiny) and 6 (Councillors) of the Work Programme for further consideration and agreement by Committee to its next meeting to be held on 12 November 2024.
- 2.5 Agrees that officers bring the initial draft of Part 7(Officers) to the meeting of Standards Committee on 12 November 2024.

### **3. Background**

- 3.1. Standards Committee agreed at its meeting on 16 July 2024 to recommend to Council that the constitution follow the style and format of the modern style constitution, where the sections are grouped into themes which follow the functions of the council.
- 3.2. Officers have therefore divided all the required component parts of a constitution including both those required by law and those over which the Council has a discretion into parts as described in the work programme. First drafts of suggested new provisions will be brought before Committee in sequence, first for direction as to the requested drafting of provisions and thereafter at a following meeting, for that drafting to be approved by Committee for onward recommendation to Council.
- 3.3. As part of the ongoing work of the Committee to review the constitution, this report brings before Committee for consideration:
  - 3.3.1 The summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 7 October and attached as Appendix A;
  - 3.3.2 Revised drafting for Part 3 (Committees) of the proposed constitution as set out in Appendix B to this report.
  - 3.3.3 Revised and final drafting of Part 4 (The Executive and Joint Arrangements) as set out in Appendix C to this report;

### **4. Reasons for Decisions**

- 4.1. Council agreed on 13 June 2024 to undertake a complete review and rewrite of its constitution.

### **5. Other Options Considered**

- 5.1. The Council must have a constitution by law. Not having a compliant constitution is not an option that can be followed.
- 5.2. The option to amend the existing constitution in part only was discounted as it presented to great a risk of inconsistencies and inaccuracies remaining in the document. In addition, the style and format of the existing constitution

required complete revision and modernisation, which would be difficult to achieve if only some parts were amended.

## **6. Financial Implications**

- 6.1. At this stage there are no additional financial implications from the proposals contained within this report.

## **7. Legal Implications**

- 7.1. It is a requirement of the Local Government Act 2000 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. Equalities**

- 8.1. There are no known Equalities impacts at this stage.

## **9. Consultation**

- 9.1. Consultation with Members will be undertaken through the Standards Committee, which is a cross-party committee of Council, as well as engagement and training sessions with all councillors. The Committee will also invite suggestions and contributions from all councillors in advance of the Committee considering draft provisions.
- 9.2. There will be consultation with officers through engagement with all services through the drafting, decision-making and training processes.

## **10. Appendices**

- 10.1 **Appendix A:** Notes of Members' comments on drafting annotated by Anthony Collins
- 10.2 **Appendix B:** Revised drafts of Part 3 (Committees)
- 10.2. **Appendix C:** Revised draft of Part 4 (The Executive and Joint Arrangements)

## **11. Report Authorisation**

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	
Monitoring Officer	Susan Zeiss	
Executive Director(s)	Claire Shuter	
Relevant Cabinet Member(s)	Cllr Daniel Cowan	

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## Comments from Standards Committee

7 October 2024

The Committee noted that there were a number of comments that had made by the Leader of the Council, since its last meeting. These were now included in the Member feedback log and would be assessed.

### Part 1

#### Paragraph 2.8 Page 48 - Petitions

The reference to the petition scheme is required but the protocol should be held elsewhere but outside of the Constitution. Councillors requested the opportunity to comment on the draft procedure for the petition scheme.

This paragraph should be amended to include that the Council welcomes petitions in hard copy or via the Council's e-petition facility. ✓

#### Paragraph 2.11 Page 49 – Webcasting & Social Media

This paragraph should be changed to “Updates from the Council are also available on various social media platforms, which can be found on the Council's website” given the changing nature of the various platforms available. ✓

#### Paragraph 4.43 Page 59 – Record of Decisions

Visual record of votes – If meetings can be recorded/filmed, do we need procedures in place about recording votes when meeting in Part II confidential session? **Not a matter for the constitution**

### Part 2

#### Pages 79-80 - Section 6 Hon Alderman and Freedom of the City

The section regarding Freedom of the City should be moved forwards before Honorary Alderman. ✓

10 years was agreed as the minimum term of eminent service in paragraph 6.9. ✓  
**deleted - already ten years stipulated at 6.7.**

Clarification/Consistency is needed regarding “holding political office” (as mentioned in paragraph 6.8) and being a “Councillor” as mentioned in paragraph 6.12. ✓ **deleted at 6.8 and amended 6.12 as per Local Government Act 1972.**

#### Paragraphs 6.12 Page 80 – Withdrawal of Title/Rights and Privileges

If an Honorary Alderman is re-elected, their Title/Rights and Privileges and withdrawn permanently automatically. The word “automatically” should therefore be added at the end of the last sentence in this paragraph. ✓

A new application can be submitted, which would be considered again under this scheme. ✓

## **PART 2.5**

### **Paragraph 4.22 Page 110**

Reference to Political Groups should be removed. ✓

### **Paragraph 4.76 Page 116**

The time-limit for responding to questions has been raised previously and not addressed/amended to reflect the comments made. ✓ see new 4.86  
This includes appropriate wording for asking supplementary questions to the written questions submitted.

### **Paragraph 4.85 & 4.86 Page 117 – Motions on Notice**

The timings and number of motions on notice needs amending. Each should be a maximum of 20 minutes for each motion with a maximum time limit of 60 minutes for motions on Notice; all motions should be voted on even if the time limit for motions has been reached; the Leader should not have a separate ability to submit a motion. The current procedures at Southend should be followed. Paragraphs 4.85 and 4.86 should be appropriately amended. ✓

### **Section 2.5– Budget & Policy Framework Procedure Rules Page 129**

The Standards Committee noted that appropriate wording was to be supplied by the S.151 Officer. Carry forward

When draft Budget is published a reference to discussing with relevant Executive Director when developing budget amendments / alternative proposals within their respective service area should be added before consulting with the S.151 Officer. Carry forward

## **Part 3– Committees**

Change of Development Control Committee to Planning Committee supported. ✓

A general reduction in the number of Councillors on Committees as a whole was supported. This should be reviewed and an appropriate reduction should further considered by the Standards Committee. Carry forward

Proportionality on Working Parties should be reviewed. Is this necessary? Outside the scope of Constitution

### **Paragraph 9.19 Page 175 – General Purposes Committee**

This function should sit with Audit & Governance Committee not Standards Committee.

✓ - see 8.27

### **Paragraph 9.20 Page 175 – General Purposes Committee**

Reference to nominations for Freedom of the City and Honoray Alderman should be added to the list of awards considered by the General Purposes Committee before submitting to full Council for determination. ✓ reference to Honorary Titles included.

### **Paragraph 9.21 Page 175 – General Purposes Committee**

Member / Officer Protocol should be for Standards Committee not General Purposes Committee. ✓ moved to 7.20

### **Paragraph 10.14 Page 177 – Health & Wellbeing Board**

The Chair should be the relevant Cabinet Member or such Cabinet Member as the Leader may appoint. ✓

### **Section 11 Page 180 – Senior Appointments and Disciplinary Committee**

Need to be more specific about who chairs this body and how they are appointed. No change appointed by Full Council at AGM

### **Paragraph 11.6 (Table) Page 181**

The words “where appropriate” should be added to Political Assistance in the last box. ✓

## **PART 4 – The Executive**

### **Paragraph 4.11(d) Page 191**

The removal of a Cabinet Member should take effect immediately after the effect of the notice to the Chief Executive. ✓

### **Page 191 – Deputy Cabinet Members**

This needs to include a proviso that the Deputy Cabinet Members shall not be an appointment that attracts a special responsibility allowance; they do not have automatic speaking rights at meetings of Cabinet and Scrutiny Committees (unless they are also a member of the relevant Scrutiny Committee); and they may not also be a Chair or Vice-Chair of a Scrutiny Committee. ✓ Inserted in Part 5 para 1.6 Restrictions on Chair and Vice Chair in Scrutiny Rules.

### **Paragraph 4.23 Page 192**

The number of portfolios should not be included as the number of portfolios can change. They are also set out in Section 6 starting on page 203 and seems unnecessary

to include them in the Constitution but could be included elsewhere as a separate document. ✓

**Paragraph 5.55 Page 202**

A trigger needs to be established to enable Group Leaders to be informed of any Cabinet Member Decisions by Democratic Services and the location of the report and decision to enable decisions to be scrutinised if requested. **Carry forward Part 5 debate**

**Part 4**

**Paragraph 7.7 Page 207 – Joint Arrangements**

The reference to South East Local Enterprise Partnership should be deleted as this is no longer in existence. ✓

## **Part 3      COMMITTEES**

### **Section**

1.      Committee Structure
2.      Committee Procedure Rules
3.      Planning Committee Procedure Rules
4.      [Licensing Sub-committee Procedure Rules]
5.      Planning Committee and Terms of Reference
6.      Licensing Committee and Terms of Reference
7.      Standards Committee and Terms of Reference
8.      Audit and Governance Committee and Terms of Reference
9.      General Purpose Committee
10.     Health and Wellbeing Board Committee and Terms of Reference
11.     Senior Appointments and Disciplinary Committee and Terms of Reference

## 1. COMMITTEE STRUCTURE

1.1 The Council has decided that certain non-executive functions which are not reserved to full Council will be the responsibility of the following Committees:

- Planning Committee
- Licensing Committee
- Standards Committee
- Audit and Governance Committee
- General Purpose Committee
- Health and Wellbeing Committee
- Senior Appointments and Disciplinary Committee

Officers are able to take decisions in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.

1.2 The committee structure, its terms of reference and seats for each committee is approved by full Council at the Annual Meeting, with the allocation of those seats dealt with outside of the meeting. Unless a Committee is subject to particular rules on its composition, the composition of a Committee must be politically proportionate and to the extent possible reflect the size of the Political Groups which make up the Council as a whole.

1.3 Each Committee is subject to the Committee Procedure Rules set out below at section 2 and the Access to Information Procedure Rules set out under Part 1 this Constitution. The Planning Committee and has its own rules set out below under section 3. Sub-committees of the Licensing Committee and the Standards Committee have their own rules as set out elsewhere in this Constitution. If circumstances arise which are not covered by the Committee Procedure Rules or such other rules as apply to a particular Committee, the Council Procedure Rules set out under Part 2 of this Constitution shall apply to those circumstances.

1.4 Committees carry out their functions in accordance with their terms of reference as set out below.

1.5 Unless prohibited from doing so under the law or this Constitution, Committees may delegate their functions and powers to sub-committees, and may also delegate functions and powers to Officers.

### Working Groups

1.6 The Council, Cabinet or any Committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work. Working groups have no formal decision making responsibilities but may provide advice or recommendations. A list of the working groups is maintained by the Council's Democratic Services team.

[Space Holder for Council / Committee Structure diagram]

## **2. THE COMMITTEE PROCEDURE RULES**

### **Purpose and Application**

- 2.1 These Committee Procedure Rules (the Rules) apply to all Council Committees and their sub-committees unless specified otherwise elsewhere in this Constitution, and govern the conduct of meetings of the Committees. These Rules must be read in conjunction with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.2 Meetings of the Planning Committee and the sub-committees of the Licensing Committee and Standards Committee are subject to their own rules and procedures as set out below under section 3 and elsewhere in this Constitution.

### **Time and Place of Committee Meetings**

- 2.3 Full Council shall agree a schedule of Committee meetings at its Annual Meeting.
- 2.4 Additional Committee meetings may be held with the agreement of the Committee Chair taking advice from the Monitoring Officer, and only where there are items of business which can reasonably be deferred to the next scheduled meeting of the Committee.
- 2.5 The Proper Officer will notify the time and place of Committee meetings in the summons.
- 2.6 The summons will also specify the business to be transacted and will be accompanied by such reports as are available.
- 2.7 Committee meetings will take place at the Civic Centre or such other venue at the time specified in the summons.

### **Committee Chairs and Vice Chairs**

- 2.8 Full Council will appoint Committee Chairs and Vice Chairs at its Annual Meeting.
- 2.9 Vacancies in either office will be filled at the next meeting of full Council, including, if held, an Extraordinary Meeting of the Council.
- 2.10 The Chair must chair a Committee meeting if present.
- 2.11 If the Chair is absent from a meeting, the Vice Chair must chair the meeting if present.
- 2.12 If neither the Chair nor Vice Chair is present, the Committee shall appoint a Councillor to Chair the meeting as the first item of business.
- 2.13 The Chair of the meeting must Chair in accordance with these Rules and the Constitution and where necessary taking advice from the Democratic Services Officer and / or legal advisor present.
- 2.14 The Chair shall exercise a casting vote in Committee meetings on any item of business in respect of which there is an equality of votes for and against.

### **Committee Membership**

V2 following comments from Committee 07.10.24

- 2.15 Full Council will resolve what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall comprise.
- 2.16 Full Council will also confirm the political proportionality required for each committee with the Group Leader or individual independent councillors agreeing the appointment.

### **Committee Meeting Agendas**

- 2.17 Meetings will have an agenda similar to the example listed below:
- 2.17.1 To elect a Councillor to preside at the meeting in the absence of both the Chair and Vice Chair;
  - 2.17.2 To approve the minutes of the previous meeting;
  - 2.17.3 To receive any declarations of interest from Councillors;
  - 2.17.4 To receive referrals from full Council, the Cabinet or other Committees;
  - 2.17.5 To receive reports, if any, from Officers, the Cabinet, and / or other Committees;
  - 2.17.6 To deal with any outstanding business from the last meeting;
  - 2.17.7 To consider any other business specified in the summons to the meeting.
- 2.18 A Committee meeting may not consider any business not included in the summons unless the Chair agrees to accept a late item on grounds of urgency and those reasons are recorded in the minutes.

### **Quorum**

- 2.19 The quorum of a meeting shall be one quarter of the Committee membership eligible to vote or the nearest whole number above one quarter subject to a minimum quorum of three Councillors.
- 2.20 If the Chair counts the number of Councillors present at a meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to fifteen minutes to allow a quorum to be present (and the Chair may allow more than one adjournment up to a total period of fifteen minutes).

If after a period of fifteen minutes there is still no quorum, the Chair shall close the meeting and any remaining business will be considered at the next ordinary meeting of the Committee or at a time and date fixed by the Chair.

- Substitutes**
- 2.21 Subject to the provisions of this Rule 2.21 to Rule 2.26 any Councillor may act as a substitute for another Councillor if they are from the same Political Group at a Committee Meeting.
- 2.22 The purpose of substitutes is to maintain the quorum and political proportionality of Committee a substitute and should only be used when the usual Committee member is unable to attend a meeting by reason of illness, leave or other good reason.



V2 following comments from Committee 07.10.24

- 2.23 Substitution is not permissible for the Audit and Governance Committee in accordance with guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 2.24 Substitute Councillors must have undertaken any mandatory training that is a requirement for membership of the relevant Committee to be able to sit.
- 2.25 Where the Chair is substituted, the Vice Chair will chair the meeting if present.
- 2.26 Where both the Chair and the Vice Chair are substituted, the meeting will elect a Councillor from those present and entitled to vote to preside at the meeting.

### **Substitution Procedure**

- 2.27 The relevant Councillor must notify their Group Leader and Democratic Services in writing of the proposed substitution (including the name of the substitute) as soon as possible and in advance of the relevant meeting.
- 2.28 In cases of urgency, verbal notification may be provided to Democratic Services with confirmation in writing. (If notification is provided at the meeting itself, it must be made before the meeting starts and to the Democratic Services Officer present and supporting the meeting).
- 2.29 The relevant Group Leader may change a substitution if the notice requirements above are complied with before the start of the relevant meeting, including to revert to attendance by the usual committee member.

### **Limitations**

- 2.30 Substitute Councillors must be appointed for the whole of a committee meeting and the usual committee member has no right to attend the meeting as a committee member.
- 2.31 If a substitute Councillor attends a meeting of the Planning Committee or a hearing sub-committee of the Licensing Committee or Standards Committee, and an agenda item is part considered and the meeting adjourned to consider the matter at a later date, the substitute Councillor must attend the subsequent meeting to consider and determine that item.
- 2.32 Cabinet members may not be substitutes on Council Committees or the Overview and Scrutiny Committees or the Audit and Governance Committee.
- 2.33 Non-cabinet members may not substitute on the Cabinet or Cabinet sub-committees.

### **Duration of Committee Meetings**

- 2.34 The business of a Committee Meeting should be concluded within three hours (including any period of adjournment or otherwise).

### Extension of a Committee Meeting after Three Hours

V2 following comments from Committee 07.10.24

- 2.35 If the business of any meeting has not been concluded within three hours (including any period of adjournment or otherwise), the Chair may adjourn or extend the meeting, for up to thirty minutes, or call for an immediate vote on the item under discussion.
- 2.36 If the Chair calls for an immediate vote pursuant to Rule 2.36, the vote will be taken in the usual way without any further discussion.
- 2.37 A Councillor may move that the length of the meeting is extended by up to thirty minutes if:
- 2.37.1 The motion is moved before the expiry of three hours from the start of the meeting;
- 2.37.2 Is seconded and agreed by the Committee without debate.
- 2.38 Only one motion to extend the length of the meeting may be moved and the Chair may put to the vote a different period of extension to that moved but no longer than thirty minutes to ensure the effective and timely conduct of Committee business.
- 2.39 When all the business on the meeting agenda is completed, the Chair will close the meeting.

### **Voting at Committee Meetings**

- 2.40 Unless provided otherwise elsewhere in this Constitution, any matter will be decided by a simple majority of those Councillors present in the room at the time the question is put and eligible to vote on the matter.
- 2.41 Only Councillors may vote, except where the terms of reference of a Committee allow for voting by non-elected Committee members.
- 2.42 Unless a recorded vote is required by law or is validly demanded the Chair will take the vote by electronic means or a show of hands.
- 2.43 If there is an equality of votes for and against on any matter, the Chair shall have a casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

### Recorded Vote

- 2.44 If three Councillors present at the meeting demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 2.45 The Democratic Services Officer present will call out Councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 2.46 In the event of an equality of votes on a recorded vote, the Chair will have a casting vote which will be recorded.

### Right to Require Individual Vote to be Recorded

- 2.47 Where immediately after a vote is taken, a Councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against a decision or abstained from voting.

### **Rules of Debate**

- 2.48 Committees are intended to be more informal and discursive than Full Council meetings. However, the Chair shall have conduct of the debate with a view to ensuring All Councillors are able to speak on matters relevant to the item under discussion. It is expected that Councillors and others attending adhere to the NOLAN principles and maintain an atmosphere of courtesy and respect.
- 2.49 All Councillors will stop speaking if requested to do so by the Chair.
- 2.50 All statements and questions must be addressed through the Chair.
- 2.51 Speeches and / or questions are not time limited and, if invited by the Chair, a member of the Committee may speak more than once on an item but Committee members should aim to speak for no longer than three minutes.
- 2.52 The Chair may limit the length or number of speeches or questions to ensure the effective conduct of the meeting.
- 2.53 Residents questions will be permitted in accordance with the Council Procedure Rules set out under Part 2 of this Constitution.
- 2.54 Public speaking at meetings of the Planning Committee is subject to the Planning Committee Procedure Rules set out below at section 3. ..

### **Committee Business**

- 2.55 Items of business on the agenda will be presented to the Committee by Officers who may also answer any questions from Councillors.
- 2.56 The Committee may move and agree by consensus or by vote amendments to the recommendations as they see fit , following legal or other advice if required.

### **Point of Order**

- 2.57 Any Councillor may make a point of order to the Chair alleging that there has been a breach of these Rules or any other statutory provision or applicable provision of this Constitution.
- 2.58 A Councillor making a point of order must state to the Chair that:
- 2.58.1 They wish to make a point of order; and
  - 2.58.2 Specifying the Rule or statutory provision or provision of this Constitution which they considers to have been breached; and
  - 2.58.3 The way in which they consider it has been breached.
- 2.59 The Chair shall consider whether a valid point of order has been raised and:
- 2.59.1 If so, take any necessary action; or,
  - 2.59.2 If not, will continue with the business of the meeting; and,
- the Chair's ruling is final.

### **Point of Personal Explanation**

2.60 A Councillor may request to speak to make a personal explanation, where the Chair agrees that the Councillor:

2.60.1 Has been named by another Councillor during the debate and;

2.60.2 Has been named in a manner which reflects adversely upon the reputation of the named Councillor.

2.61 A Councillor who wishes to make a personal explanation must make the request at the end of the current Councillor's speech to the Chair who may either agree or refuse the request. The Chair's decision is final.

2.62 In making a personal explanation, the Councillor must only address the comment in respect of the Councillor's reputation.

### **Press and Public: Access and Exclusion**

2.63 Members of the press and public are permitted to attend all Committee meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

2.64 Members of the press and public may only be excluded from a Committee meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

### **Recording and Filming**

2.65 Any person, including Councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

2.65.1 The person has notified Democratic Services of their intention to film or record the meeting prior to the commencement of the meeting;

2.65.2 Recording or filming must not disrupt the business and conduct of the meeting;

2.65.3 In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;

2.65.4 Refrain from recording or filming any member of the public, except where part of the formal proceedings; and

2.65.5 During a private session of the meeting must not leave any form of recording device in the meeting room, and Councillors remaining in the meeting must not record or film any private session of the proceedings.

2.66 Permission to record or film Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

2.67 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

### **Councillor Misconduct During Meetings**

2.68 If during the course of a Committee meeting a Councillor fails to comply:

V2 following comments from Committee 07.10.24

2.68.1 With the NOLAN principles, these Rules or any other applicable rules or,

2.68.2 An instruction of the Chair; or,

2.68.3 A decision of the Committee;

or when speaking uses offensive, intimidatory or abusive language towards any Councillor, Officer or other person, the Chair may instruct the Councillor to be seated and not to speak.

2.69 If the Councillor continues to fail to comply with the provisions of Rules 2.69.1 to 2.69.3, or otherwise refuses to comply with the Chair's instructions, the Chair may:

2.69.1 Move without debate that the Councillor be suspended from and must leave the meeting, and

2.69.2 If the motion is seconded, the Committee shall vote on the motion.

2.70 If the motion is carried but the offending Councillor refuses to leave the meeting, the Chair may take steps to remove the Councillor from the meeting.

#### **Disturbance by a Member of the Public**

2.71 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.

2.72 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

#### **Removal of a Member of the Public**

2.73 If one or more members of the public interrupts or interferes the effective conduct of the business of a meeting the Chair may warn them, and if they interrupts again, the Chair may order their removal from the meeting.

#### **General Disturbance**

2.74 In case of a general disturbance in any part of the meeting room open to the public for the purpose of attending the meeting, the Chair may order that part of the meeting room to be cleared.

#### **Notification of Cancellation of a Committee Meeting**

2.75 The Proper Officer, after consultation with the Chair may issue, owing to exceptional circumstances, a Public Notice of Cancellation of the Meeting.

2.76 The Notice must state reasons for the cancellation.

#### **Suspension and / or Amendment of the Committee Procedure Rules**

2.77 Subject to any statutory provisions, any or all of these Rules, except the those set out under Rule 2.79 below may be suspended by a majority of at least one half of the whole number of councillors who are present at the meeting and eligible to vote. Suspension will only be for the item or meeting specified in the motion. Motions to suspend must specify the Rule or Rules being suspended.

V2 following comments from Committee 07.10.24

2.78 Rules that may not be suspended:

2.78.1 Requirements for Summons (Rules 2.5 to 2.6);

2.78.2 Quorum (Rules 2.19 to 2.21);

2.78.3 Duration of the Meeting (Rules 2.35 to 2.40);

2.78.4 Voting (Rules 2.41 to 2.48);

2.78.5 Access and Exclusion of the Press and Public (Rules 2.64 to 2.65);

2.78.6 Recording and Filming (Rules 2.66 to 2.68); and,

**2.78.7** Rules as to conduct and removal (Rules 2.79 to 2.75).

DRAFT

### **3. PLANNING COMMITTEE PROCEDURE RULES**

#### **Purpose and Application**

V2 following comments from Committee 07.10.24

- 3.1 These Planning Committee Procedure Rules (Rules) and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Planning Committee.
- 3.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.
- 3.3 The Planning Committee shall have regard to the Probity in Planning: Guidance to Members and Officers (insert link)

### **Chair and Vice Chair**

- 3.4 The Chair of the Planning Committee or in the absence of the Chair, the Vice Chair of the Planning Committee shall preside over all meetings of the Planning Committee.
- 3.5 In the absence of the Chair and the Vice Chair for the whole or part of a Planning Committee meeting, as the first item of business the Committee shall appoint from those Councillors present a person to act as Chair of the Committee meeting for the duration of the Chair or Vice Chair's absence, and reference in these Rules to Chair will be read as referring to the person chairing the meeting.
- 3.6 The Chair is responsible for:
  - 3.6.1 Calling items for consideration as they appear on the agenda and / or in such alternative order as they consider expedient;
  - 3.6.2 Calling and allowing persons to speak at the meeting in accordance with Rules 3.14 to 3.18 below (public speaking).
  - 3.6.3 Maintaining good order at the meeting and ensuring the effective and timely conduct of the meeting's business, for which purpose the Chair has the power to curtail any speaker (including Councillors and members of the Committee), and / or in the event of disorder, to suspend the hearing until good order is restored.
- 3.7 In all matters of procedure and the interpretation of all rules applicable to a Committee meeting the Chair's decision is final.
- 3.8 As appropriate prior to a meeting the Chair and Vice Chair of the Planning Committee may meet with Officers to consider the business of the meeting and speaking arrangements for each item on the agenda.

### **Officer Attendance**

- 3.9 A Planning Officer and legal advisor shall attend all Planning Committee meetings.

### **Order of Business**

- 3.10 The order of business for a Planning Committee shall be:

3.11 In the absence of the Chair and Vice Chair of the Planning Committee, to elect the Chair of the meeting;

- (a) Apologies;
- (b) Minutes;
- (c) Substitutes;
- (d) Declarations of interest;
- (e) Consideration of planning applications in the order they appear on the agenda and / or in such alternative order as is considered expedient;
- (f) To deal with any other business specified in the agenda

### **Consideration of Planning Applications**

3.12 Planning applications will be considered in the order they appear on the agenda as follows:

- (a) The Chair will announce the agenda item number;
- (b) The Planning Officer will introduce the planning application with any relevant updates including those which may be contained within a supplementary update report..
- (c) The Chair will call on public speakers in accordance with Rules 3.14 to 3.18 below.
- (d) The Chair will ask members of the Committee if they require any clarification on points raised by any public speaker;
- (e) The Chair will ask members of the Committee if they have any technical questions for the Planning Officer and / or the legal advisor and/or any other technical staff present;
- (f) The Committee will then discuss / debate the planning application, during which members of the Committee may, through the Chair, seek further clarification from the Planning Officer and / or the legal advisor / other technical advisors present regarding the application, or, on points raised by public speakers.

3.13 Except where the Committee has determined that the decision on application is to be deferred, the Committee will then determine the application on a vote.

### **Public Speaking**

3.14 With the consent of the Planning Committee Chair Councillors of Southend-on-Sea City Council may speak at meetings of the Planning Committee.

3.15 All other persons who wish to speak at a hearing of the Committee must have registered in advance to do so.



V2 following comments from Committee 07.10.24

3.16 The circulation of documents (including photographs) or presentation of material at meetings other than submitted as part of the planning application is not permitted.

3.17 The following will be invited to have an opportunity to speak at the meeting a planning application is due to be considered by the Planning Committee:

- (a) Members of the public who have previously made written representations either objecting to or in support of that planning application in accordance with the Planning Committee Public Speaking Rules (include link);
- (b) Parish Councils who have previously made written representations objecting to or in support of the application;
- (c) The applicant or agent (right of reply only).

3.18

3.19 The order of speaking and the time limit of speeches shall be determined in accordance with the Planning Committee Public Speaking Rules.

### **Voting**

3.20 A member of the Committee must be present throughout the entire presentation and debate on a planning application in order to vote on it.

3.21 Each member of the Committee shall have one vote.

3.22 Where the number of votes for and against an application is equal, the Chair shall have a casting vote.

3.23 A planning application shall be decided by a simple majority of those members of the Committee physically present in the room and entitled to vote on the application.

3.24 Subject to Rule 3.24 to 3.26 below, voting shall be for:

- (a) The recommendation on the planning application as it appears in the written report; or,
- (b) The recommendation on the planning application as amended at hearing by the Planning Officer; or,
- (c) An alternative recommendation on the planning application, as proposed by a member of the Committee during the meeting which must be seconded by at least one other member of that Committee.

3.25 Where there is more than one amendment proposed by a member of the Committee at the meeting, each proposed amendment will be voted on in order of the proposed amendments, provided that, for each proposed amendment which differs from the recommendation of the Planning Officer at Rule 3.23 (a) or Rule 3.23 (b), the Committee shall establish clear reasons for each proposed amendment.

3.26 If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to establish and consider the reasons for each proposed amendment.

V2 following comments from Committee 07.10.24

- 3.27 The Chair shall invite the Planning Officer and legal advisor to advise on the clarity and validity of the reasons established for each proposed amendment, and If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to test the reasons and consider them at a further hearing of the Committee prior to determining the application .
- 3.28 Where there is any ambiguity as to the way in which members of the Committee are voting on any matter, the Chair shall require each member to confirm their vote on each matter before the decision is recorded.
- 3.29 Any member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.
- 3.30 Immediately after a vote is take and any member of the Committee requests it, their vote will be recorded in the minutes.

#### **4. [LICENSING SUB-COMMITTEE PROCEDURE RULES]**

##### 4.1 [Space Holder]

(Licensing Sub-committee Procedure Rules for potential insertion here, however a link to the document may be preferred) ))

## **5. PLANNING COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

- 5.1 The Planning Committee is appointed by the Council under the Local Government Act 1972 for the purpose of discharging those functions of the Council relating to town and country planning, and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as such functions are not the responsibility of any other local authority.
- 5.2 The Planning Committee shall have regard to the Planning Committee Procedure Rules set out above under section 3 [and the Probity in Planning: Guidance to Members and Officers (insert link)].
- 5.3 The membership, chair and quorum requirements for the Planning Committee are as set out below in the table below.

#### Membership, Chair and Quorum

<b>Number of Members</b>	17
<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	<p>[The Mayor and Cabinet Members may not be members of the Planning Committee]</p> <p>Members and substitutes must complete training in the principles of determining planning applications:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• As required by the Council</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	Nil
<b>Quorum for Meetings</b>	¼ of membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	As required

#### Terms of Reference

- 5.4 The discharge of the non-executive functions and responsibilities of the Council relating to town and country planning, and development control specified in Schedule 1 of the

V2 following comments from Committee 07.10.24

Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation as regards functions under the following Acts and associated Regulations and Orders:

- 5.4.1 Town and Country Planning Act 1990;
  - 5.4.2 Planning (Listed Buildings and Conservation Area) Act 1990;
  - 5.4.3 Planning (Hazardous Substances) Act 1990;
  - 5.4.4 Planning and Compulsory Purchase Act 2004.
- 5.5 Functions relating to the preservation of trees and hedgerows.
- 5.6 The exercise of ancillary powers in respect of those functions referred to above in relation to highways to the extent that they concern planning matters.
- 5.7 Responsibility for:
- 5.7.1 Wider strategic development;
  - 5.7.2 Sites which have a significant impact beyond the Council's area;
  - 5.7.3 Sites fundamental or contrary to the Council's Local Plan, or other national or government approved planning policies, including without limitation as regards:
    - (a) Major infrastructure;
    - (b) Large scale major development comprising:
      - Housing (approximately 400 dwellings or more);
      - Employment (approximately 10,000 square metres or 2 hectares or more);
      - Retail (approximately 10,000 square metres or 2 hectares or more).
- 5.8 The consideration and determination of the decision the Planning Committee would have made on a planning application subject of the non-determination appeal process.
- 5.9 The consideration and determination of applications which have been 'called-in' by a Councillor of Southend-on-Sea City Council.
- 5.10 The consideration and determination of planning applications submitted by:
- a) A Councillor, their spouse or partner;
  - b) An Officer, their spouse or partner.
- 5.11 The consideration and determination of a planning application where, in the opinion of the Director of Planning and Economy, the application raises issue of planning importance or should otherwise be considered and determined by the Planning Committee.

V2 following comments from Committee 07.10.24

5.12 Undertaking site visits as appropriate.

5.13 In the discharge of the Planning Committee's above functions and without limitation:

(a) Imposing any condition, limitation or restriction, or determining any other terms, on an approval, granted in the exercise of its functions;

(b) Amending, modifying or varying any condition to which approval is subject;

(

### **Delegations to Officers**

5.14 Those functions of the Planning Committee which have been delegated to Officers are set out in the Scheme of Delegation to Officers under Part 7 of this Constitution.

## **6. LICENSING COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

6.1 The Licensing Committee is established by the Council under the Licensing Act 2003 and the Local Government Act 1972 for the purpose of discharging respectively those functions of the Council relating to licensing under the Licensing Act 2003 and the Gambling Act 2005, and those other of the Council's regulatory and licensing functions specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as those functions are not the responsibility of any other Committee or local authority.

6.2 The Licensing Committee may appoint a sub-committee drawn from its members to discharge any of its functions.

6.3 A sub-committee of the Licensing Committee may exercise all the powers of the Licensing Committee.

6.4 The Licensing Committee has appointed the Licensing Sub-committees A, B and C to consider and determine applications delegated to them by the Licensing Committee.

6.5 The Committee Procedure Rules set out above under section 2 shall apply to the Licensing Committee.,

6.6 The Licensing Sub-committee Procedure Rules shall apply to Licensing Sub-committees A, B and C.

6.7 The membership, chair and quorum requirements for the Licensing Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for Licensing Sub-committees A, B and Care set out in the table at paragraph 6.20 below.

### **Membership, Chair and Quorum**

<b>Number of Members</b>	15
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<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	<p>[The Mayor and Cabinet members may not be members of the Licensing Committee]</p> <p>[ ]</p> <p>Members and substitutes must complete training in the principles of determining licensing applications:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	Sub-committees A, B and C

### **Licensing Committee Terms of Reference**

#### Licensing Act 2003

6.8 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated, where those functions not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation:

- (a) The determination of applications for a premises licence where representations have been made;
- (b) The determination of applications for a provisional statement where representations have been made;
- (c) The determination of applications for the variation of premises licence where representations have been made;

- (d) The determination of applications to vary a designated premises supervisor following police objection;
- (e) The determination of applications for the transfer of a premises licence following objection;
- (f) The consideration of objections made to an interim authority notice;
- (g) The determination of interim steps pending a summary review;
- (h) The determination of applications for a club premises certificate where representations have been made;
- (i) The determination of application to vary a club premises certificate where representations have been made;
- (j) The decision to give counter notice following police objections to a temporary event notice;
- (k) The determination of applications for the grant of a personal licence following objection;
- (l) The revocation of licence where convictions come to light after grant etc;
- (m) The revocation or suspension of licence where convictions or immigration penalties become known; and,
- (n) The determination of interim steps pending summary off-sales review; and,
- (o) Any matter under the Licensing Act 2003 referred to the Licensing Committee for determination by an Officer.

6.9 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.8 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

V2 following comments from Committee 07.10.24

6.10 In conjunction with Officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Licensing Policy.

Gambling Act 2005

6.11 To exercise the Council's responsibilities and functions relating to gambling, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation:

- (a) The determination of an application for a premises licence in respect of which representations have been made and not withdrawn;
- (b) The determination of an application for the variation of a premises licence in respect of which representations have been made and not withdrawn;
- (c) The determination of an application for the transfer following representations by the Commission,
- (d) The determination of an application for a provisional statement under in respect of which representations have been made and not withdrawn;
- (e) The review of a premises licence;
- (f) The determination of an application for a club gaming / club machine permit;
- (g) The cancellation of a club gaming / club machine permit;
- (h) The decision to give counter notice following objections to a temporary use notice; and
- (i) Any matter under the Gambling Act 2005 referred to the Licensing Committee for determination by an Officer.

6.12 As a matter of law, the full Council shall resolve to:

- (a) Adopt the Gambling Act 2005 Statement of Principles (adoption by full Council) and,
- (b) Refuse to issue a casino premises licence.

6.13 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.11 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.



- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.14 In conjunction with Officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Principles.

6.15 In conjunction with Officers, to consider and make recommendations to full to refuse issue casino premises licence.

#### Other Licensing

6.16 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or updated where those functions are not functions under the Licensing Act 2003 or the Gambling Act 2005, of any other Committee, or functions reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation as regards:

- (a) Caravan sites;
- (b) Camping sites;
- (c) Hackney carriage and private hire operators, drivers and vehicles;
- (d) Sex shops, sex cinemas and sex entertainment venues;
- (e) Acupuncture; tattooing, ear-piercing and electrolysis;
- (f) Pleasure boats and pleasure vessels;
- (g) Markets and street trading, including permits under the Essex Act 1987;
- (h) House to house and street collections;
- (i) Night cafes and take-away food shops;
- (j) Food preparation premises;
- (k) Scrap yards;
- (l) Safety certificates for sports grounds and regulated stands at sports grounds;
- (m) Animals and birds, including selling animals as pets, providing or arranging provisions for the boarding for cats and dogs, hiring horses, breeding dogs, keeping or training animals for exhibition, zoos and

dangerous wild animals, and premises related to animals including knackers' yards;

- (n) Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer;
- (o) Smoke free premises etc;
- (p) Film classification (age); and,
- (q) Any matter pertaining to licensing or regulation referred to the Licensing Committee for determination by an Officer.

6.17 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.16 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.18 In conjunction with Officers, to develop and adopt, or recommend to full Council for adoption, such licensing policies as are required by law or as are otherwise appropriate.

#### **Delegations to Officers**

6.19 Those functions of the Licensing Committee which may be discharged by a specified Officer are set in the Scheme of Delegation to Officers under Part 7 of this Constitution.

#### **Licensing Sub-committees A, B and C**

6.20 The membership, chair and quorum requirements for Licensing Sub-committee A, B and Care as set out in the below table:

#### **Membership, Chair and Quorum**

<b>Number of Members</b>	Sub-committee A and B 3 Members of the Licensing Committee Sub-committee C 9 Members of the Licensing Committee
<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Licensing Committee
<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be a member of a Licensing Sub-committee][ The Chair or Vice-chair of the Licensing Committee shall be a member of each Licensing Sub-committee Members and substitutes must complete training in the principles of determining licensing applications under the Licensing Act 2003 and the Gambling Act 2005, and as may otherwise be required: <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair or Vice-chair of the Licensing Committee shall chair a Licensing Sub-committee
<b>Quorum for Meetings</b>	[3]
<b>Number of Ordinary Meetings Per Council Year</b>	As required

### Licensing Sub-committees Terms of Reference

6.21 Licensing Sub-committees A and B shall consider and determine those applications and matters under the Licensing Act 2003 and Gambling Act 2005 delegated to it by the Licensing Committee from time to time.

V2 following comments from Committee 07.10.24

6.22 Licensing Sub-committee C shall consider and determine those applications and matters other than those under the Licensing Act 2003 and the Gambling Act 2005 to it by the Licensing Committee from time to time.

## **7. STANDARDS COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

- 7.1 The Standards Committee is established by the Council under the Local Government Act 1972 to oversee, develop and review the Council's Code of Conduct for Councillor and the Council's Arrangements for Dealing with Complaints Against Councillors each set out under Part 6 of this Constitution.
- 7.2 In discharging its functions the Standards Committee shall consult with an Independent Person of the Council as required.
- 7.3 The Standards Committee may appoint a sub-committee drawn from its own members to discharge any of its functions.
- 7.4 The Standards Committee has appointed The Standards Committee Hearing Sub-committee (Hearing Sub-committee) to consider and determine complaints against made against a Councillor or co-opted member under the Code of Conduct for Councillors, in accordance with the Arrangements for Dealing with Complaints Against Councillors.
- 7.5 The Standards Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 7.6 Hearings of the Hearing Sub-committee shall be conducted in accordance with the Standards Hearing Sub-committee Procedure Rules set out under Part 6 of this Constitution.
- 7.7 The membership, chair and quorum requirements for Standards Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for a sub-committee of the Standards Committee and the Hearing Sub-committee are set out in the table at paragraph 7.20 below.

### **Membership, Chair and Quorum**

<b>Number of Members</b>	9 (including up to non-voting 2 Independent Persons)
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders

<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be a member of the Standards and General Purpose Committee]  [ ]
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	Standards Hearing Sub-committee

### Terms of Reference

7.8 The promotion of the highest standards of behaviour by Councillors and co-opted members of the Council in accordance with the ‘Nolan Principles’ on standards in public life, which are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

7.9 Reviewing and developing for the adoption by full Council of the Council’s:

- (a) Code of Conduct for Councillors (Code);
- (b) Arrangements for Dealing with Complaints Against Councillors (Arrangements);

7.10 Advising and recommending to full Council amendments to the Code or the Arrangements;

7.11 Reporting to full Council on the implementation of the Code and the Arrangements.

7.12 Reporting to full Council on the number of complaints made under the Code each municipal year.

V2 following comments from Committee 07.10.24

- 7.13 Reviewing training requirements and arrangements for Councillors and co-opted members on standards, the Code and the Arrangements.
- 7.14 Receiving reports on the registration and declaration of disclosable interests by Councillors and co-opted members of the Council.
- 7.15 Receiving reports on the registration of gifts and hospitality by Councillors and co-opted member of the Council.
- 7.16 Making recommendations to full Council on the appointment of Independent Persons of the Council.
- 7.17 Establishing a Standards Hearing Sub-committee to hear and determine complaints against Councillors made under the Code in accordance with the Arrangements where a hearing is required.
- 7.18 Supporting the Monitoring Officer in standards matters.
- 7.19 Considering any other matter referred to it by the Monitoring Officer.

Protocol on Member / Officer Relations

NEW 7.20 In conjunction with the Monitoring Officer, reviewing the provisions, implementation and effectiveness of the Protocol on Member / Officer Relations, and recommending changes to full Council for adoption.

**Hearing Sub-committee**

7.20 The membership, chair and quorum requirements of the Hearing Sub-committee are set out in the below table.

**Membership, Chair and Quorum**

<b>Number of Members</b>	[3] Members of the Standards Committee
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Standards Committee
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be a member of the Hearing Sub-committee [ ] •
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	[3]

<b>Number of Ordinary Meetings Per Council Year</b>	As required
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### Hearing Sub-committee Terms of Reference

7.21 As required under the Arrangements, the Hearing Sub-committee shall consider and determine complaints submitted against Councillors and co-opted members under the Code.

## 8. AUDIT AND GOVERNANCE COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 8.1 The Audit and Governance Committee is established by the Council under the Local Government Act 1972 to provide independent assurance to the Council as regards the Council's governance, risk management framework and associated control environment, including as regards treasury management. environment. The Audit and Governance Committee provides independent review of the Council's financial and non-financial performance to the extent that it exposes the Council to risk and weakens its control environment, approves the Council's final accounts and also acts as an advisory committee to the Council and the Cabinet on audit and governance matters.
- 8.2 The Audit and Governance Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 8.3 A sub-committee of the Audit and Governance Committee may exercise all the powers of the Audit and Governance Committee.
- 8.4 The Audit and Governance Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 8.5 The membership, chair and quorum requirements for the Audit and Governance Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	[ 9 ]
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Full Council
<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be members of the Audit and Governance Committee]

	<p>[ ]</p> <p>Members and substitutes must complete training on the Council's governance, risk management and financial reporting arrangements:</p> <p>Prior to appointment;</p> <p>After any period of extended absence; and,</p> <p>At least once in each municipal year</p>
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]

## Terms of Reference

### Audit

- 8.6 To consider the Chief Internal Auditor's annual plan and annual report (including a summary of internal audit activity) and the level of assurance it can give over the Council's governance arrangements.
- 8.7 To consider summaries of specific internal audit reports and the response of the Chief Executive to such reports.
- 8.8 To consider reports dealing with the management and performance of internal audit service providers.
- 8.9 To consider the external auditor's annual letter, relevant reports and the report to those in charge of governance.
- 8.10 To consider specific reports as agreed with the Chief Finance Officer, Chief Internal Auditor, and Monitoring Officer, Chief Executive or external auditor.
- 8.11 To comment on the scope and depth of external audit work and ensure it provides value for money.
- 8.12 To commission work from internal and external audit in accordance with guidelines as required.
- 8.13 Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee.

### Governance



V2 following comments from Committee 07.10.24

- 8.14 To maintain an overview of all aspects of this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the Contract Procedure Rules, and the Financial Procedure Rules.
- 8.15 To recommend and changes to this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the Contract Procedure Rules, and the Financial Procedure Rules, to full Council for adoption.
- 8.16 To review any issue referred to it within the terms of reference of the Audit and Governance Committee by the Chief Executive, Monitoring Officer, Chief Finance Officer or any body of the Council.
- 8.17 To consider and monitor the Council's risk registers and refer matters for consideration to Cabinet and Council.
- 8.18 To monitor the effective development and operation of risk management and corporate governance arrangements within the Council, and approve the annual risk ,management strategy.
- 8.19 To approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies.
- 8.20 To review and make recommendations on the Council's Annual Governance Statement.
- 8.21 To consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice.
- 8.22 To monitor the Council's compliance with its own and other published standards and controls.
- 8.23 To consider reports dealing with risk management across the Council, and those reports which identify key risks the Council faces, seeking assurance to the satisfaction of the Audit and Governance Committee, of appropriate management action.
- 8.24 To receive each municipal year statistical reports and details of complaints received and investigated under the Council's corporate complaints procedure.

#### Financial Reporting

- 8.25 To review the Council's annual statement of accounts and specifically consider whether appropriate accounting policies have been followed, and whether there are any concerns arising from the financial statements or the audit, which should be brought to the attention of the Council.
- 8.26 To consider reports of the external auditor to those in charge of governance on issues arising from the audit of the accounts.

#### Local Government and Social Care Ombudsman

- 8.27 Receiving on behalf of the Council, reports issued by the Local Government and Social Care Ombudsman on investigations that the Council's actions have amounted to maladministration causing injustice.

## 9. GENERAL PURPOSE COMMITTEE

### Purpose

- 9.1 The General Purpose Committee is established by the Council under the Local Government Act 1972 to discharge those functions set below under the terms of reference, and such other of the Council's functions which have not been reserved to the full Council as a matter of law, or in accordance with this Constitution, which do not fall within the terms of reference of any other Committee of the Council.
- 9.2 The General Purpose Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 9.3 A sub-committee of the General Purpose Committee may exercise all the powers of the General Purpose Committee.
- 9.4 The General Purpose Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 9.5 The membership, chair and quorum requirements for the General Purpose Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	[ 9 ]
<b>Substitute Members Permitted</b>	No (members act in a quai-trustee capacity and as substitutes are not permitted)
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	<p>The Mayor [and Cabinet Members] may not be members of the Pension Fund Committee</p> <p>Members and substitutes must complete such training as required:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members

<b>Number of Ordinary Meetings Per Council Year</b>	[Four per municipal year] Additional meetings may be scheduled as required
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## **Terms of Reference**

### General Functions

9.6 Such of the Council's functions which are not reserved to the full Council under the law or in accordance with this Constitution which do not fall within the terms of reference of any other Committee of the Council.

### Common Land etc and Byelaws

9.7 Functions relating to common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

- (a) An exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or,
- (b) An order under section 147 of the Inclosure Act 1845 (power to register variation of rights of common).

9.8 Recommending to full Council the making, amendment, revocation, re-enactment or enforcement of a byelaw.

### Rights of Way

9.9 To exercise power to require information as to interests in land.

9.10 To exercise power to create footpaths and bridleways.

9.11 To exercise power to stop up footpaths and bridleways.

9.12 To exercise power to divert footpaths and bridleways.

9.13 To discharge duty to assert and protect the rights of the public to use, and enjoyment of, highways.

9.14 To discharge duty to keep a definitive map and statement under review.

9.15 To discharge duty to reclassify roads used as public paths.

9.16 To exercise power to authorise creation of stiles etc. on footpaths or bridleways.

9.17 To exercise powers relating to the removal of things so deposited on highways as to be a nuisance.

### Elections

9.18 All functions relating to elections, electoral arrangements, the name of the Council and the areas within the administrative area of the Council, and any relevant issues referred by the Head of Paid Service (Chief Executive), Monitoring Officer, Chief Finance Officer and Chief Internal Auditor.

### Awards

9.19 Considering and determining nominations of honorary titles and awards introduced by the Council from time to time.

## **10. HEALTH AND WELLBEING BOARD TERMS OF REFERENCE**

### **Purpose**

10.1 The Health and Wellbeing Board is a Committee of the Council established Local Government Act 1972 as an ordinary committee but amended pursuant to section 194 of the Health and Care Act 2012 (as amended), and the Local Authority (Public Health, Health and Wellbeing Boards and Scrutiny) Regulations 2013.

10.2 The purpose of the Health and Wellbeing Board is lead the improvement of health and wellbeing of residents of the Southend-on-Sea City Council area, with a specific focus on tackling health inequalities.

### **Composition**

10.3 The Health and Care Act 2024 (as amended) specifies certain requirements as to the composition of the Health and Wellbeing Board.

10.4 The voting members of the Board comprise:

- Six Councillors nominated by the Mayor including the Cabinet Member for public health
- The Chief Executive of the Council;
- The Executive Director (Children and Public Health;)
- The Director of Public Health;
- The Local Area Team Director (NHS England, Essex Local Area Team)
- A Representative of Healthwatch Southend;
- A Representative(s) of each Integrated Care Partnership operating within the Council's area.

10.5 The non-voting co-opted members of the Board comprise:

- 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).

V2 following comments from Committee 07.10.24

10.6 The Board may, in addition, appoint such other persons or representatives as it deems appropriate.

10.7 The Chair of the Council's People Overview and Scrutiny Committee may attend meetings of the Board as an observer, and may ask questions and make comments, but is not entitled to vote.

#### Substitutes

10.8 Substitutes are permitted in accordance with the Council's Committee Procedure Rules.

10.9 Co-opted member substitutes must be of a sufficient level of seniority of their organisation.

#### Delegations to Sub-committees and Officers

10.10 The Board may arrange for the discharge of any of its functions by a Sub-Committee, or an Officer of the Council.

10.11 Unless the Board otherwise directs, a Sub-committee may arrange for the discharge of any of those functions by an Officer of the Council.

10.12 The Board may appoint one or more Sub-committees to advise the Board with respect to the discharge of functions by the Board.

#### Political Proportionality

10.13 Political proportionality rules do not apply to the Health and Wellbeing Board as it is a statutory committee with specified membership.

#### Chair

10.14 The Chair shall be a Cabinet Member appointed by the Leader.

#### Quorum

10.15 Quorum for a meeting of the Health and Wellbeing Board shall be four including:

10.15.1 Not less than two Councillors of Southend-on-Sea City Council; and,

10.15.2 Not less than one representative from the Integrated Care Partnership.

#### Rules

10.16 Except as regards the above paragraphs 10.8 – 10.15, the Council's Committee Procedure Rules set out above under section 2 shall apply to the Health and Wellbeing Board.

#### **Terms of Reference**

10.17 To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping healthcare commissioning.

10.18 To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) so that future commissioning / policy decisions and priorities are evidence based.

V2 following comments from Committee 07.10.24

10.19 To determine the health improvement priorities in Southend.

10.20 To promote integration, collaboration and partnership working.

10.21 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.

10.22 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.

10.23 To initiate and support stakeholder and community engagement and consultation work in relation to health and wellbeing issues.

10.24 To appoint task and finish groups / sub-committees for specific pieces of work that support or inform health and wellbeing across Southend.

10.25 To sign-off key commissioning plans, strategy and policy related to health and wellbeing and health inequalities.

10.26 To oversee the development of the pharmaceutical needs assessment.

10.27 To performance manage the achievement of and progress against key outcomes identified within the JHWS.

10.28 To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JHWS.

10.29 To oversee the strategic governance for Fulfilling Lives. A Better Start Programme.

10.30 To carry out all other statutory functions of the Health and Wellbeing Board

## **11. SENIOR APPOINTMENTS AND DISCIPLINARY COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

11.1 The Senior Appointments and Disciplinary Committee (the Committee) is established by the Council under the Local Government Act 1972 to discharge the Council's functions in relation to the Council's statutory and senior Officers as set out in the table below at paragraph 11.6, and make recommendations to full Council as required.

11.2 The Senior Appointments and Disciplinary Committee may appoint a sub-committee drawn from its members to discharge any of its functions.

11.3 The Senior Appointments and Disciplinary Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2, the Staff Employment Procedure Rules set out under Part 7 of this Constitution, all other applicable rules set out under this Constitution, and all applicable law.

V2 following comments from Committee 07.10.24

11.4 The membership, chair and quorum requirements for the Senior Appointments and Disciplinary Committee are as set out below in the table below.

#### Membership, Chair and Quorum

<b>Number of Members</b>	7
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or individual Councillors
<b>Restrictions on Membership</b>	At least one Cabinet Member must be a member [ ]
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	No

#### Appointment, Dismissal, and Disciplinary Action

11.5 The function of the appointment, taking disciplinary action against, and dismissal of, an Officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated Officers.

11.6 However, this shall not apply to the appointment, disciplinary action or dismissal in relation to the Statutory Officers detailed in the below table. The appointment or dismissal or disciplinary action in respect of the Statutory Officers are functions of the Senior Appointments and Disciplinary Committee.

<b>Statutory Officer</b>	<b>Post</b>
<b>Head of Paid Service</b> (s4 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>
<b>Statutory Chief Officer</b>	<ul style="list-style-type: none"> <li>• Director of Adult Social Services</li> </ul>

(s2 (6) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Director of Children’s Services</li> <li>• Director of Public Health</li> <li>• Chief Finance Officer (s151 Officer)</li> </ul>
<p><b>Non-statutory Chief Officer</b></p> <p>(s2 (7) Local Government and Housing Act 1989)</p>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> <li>• Executive Directors</li> <li>• All other non-clerical posts reporting to the Chief Executive and those for whom Chief Executive is directly responsible</li> </ul>
<p><b>Deputy Chief Officer</b></p> <p>(s2 (8) Local Government and Housing Act 1989)</p>	<ul style="list-style-type: none"> <li>• All non-clerical posts reporting directly or is directly accountable to a Statutory or Non-Statutory Chief Officer</li> </ul>
Officers appointed under s9 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Political assistants (where appointed)</li> </ul>

## Recruitment

11.7 Where the Council proposes to appoint the Head of Paid Service or senior Officer listed above and it is not proposed that the appointment be made exclusively from among their existing Officers, the committee will:

11.7.1 Draw up a statement specifying:

- (a) The duties of the Head of Paid Service or Senior Officer concerned; and
- (b) Any qualifications or qualities to be sought in the person to be appointed;

11.7.2 Make arrangements for:

- (a) The post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (b) A copy of the statement to be sent to any person on request.

## Appointments

11.8 To undertake the selection process and interviews candidates shortlisted for any of the above posts (bar Political Assistants). Offers of appointments will also be made (subject



V2 following comments from Committee 07.10.24

to the Executive Objections procedure (see below)) for all of the above posts save the Chief Executive which must be recommended to Full Council for approval.

#### Disciplinary Action, Grievance or Dismissal

11.9 To determine all disciplinary action relating to any of the posts listed above (bar Political Assistants).

11.10 To dismiss any of the posts listed above (subject to the Executive Objections procedure (see below)) save the Chief Executive, S151 officer and Monitoring Officer which must be recommended to Full Council for approval

11.11 To determine grievance appeals submitted by any of the above listed officers.

#### **Suspension Head of Paid Service and Chief Officers**

11.12 To suspend or review an earlier suspension decision taken by the Chief Executive or Monitoring Officer whilst an investigation takes place into alleged misconduct.

#### Appointment of an Independent Panel

11.13 To appoint an Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended where the dismissal of the Head of paid Service, s151 and Monitoring Officer is to be recommended to Full Council.

#### **The Executive Objective Procedure**

11.14 Where the Committee makes a decision to appoint or dismiss a Statutory or Non Statutory Chief Officer or Deputy Chief Officer post, the Executive Objective Procedure set out at paragraphs 11.14.15 to 11.20 must be followed before an offer of employment can be made or notice of dismissal given.

11.15 The Proper Officer will inform the Leader and all Cabinet members about the proposed appointment or dismissal in writing, including:

- (a) The name of the person who it is proposed to appoint or dismiss;
- (b) Any other particulars relevant to the appointment or dismissal which have been notified to the Proper Officer;
- (c) That objections to the appointment or dismissal must be received by the Leader within **two clear days** for notification to the Proper Officer.

11.16 The appointment or dismissal can only be made if:

- (a) The Leader has, within the period of **two clear days**, notified the Proper Officer that neither he nor any Cabinet member has any objection to the appointment or dismissal; or,

V2 following comments from Committee 07.10.24

- (b) The Proper Officer has notified the Senior Appointments and Disciplinary Committee that no objection was received by them from the Leader within that time period; or
- (c) An objection is received within that time period and is considered by the Senior Appointments and Disciplinary Committee not to be material or well founded.

11.17 If the Senior Appointments and Disciplinary Committee, with the advice of the Chief Executive or Monitoring Officer, considers an objection to be material or well founded, they may reconsider their decision to appoint or dismiss.

### **Independent Panel**

#### Terms of Reference

11.18 To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so, the Independent Panel will consider:

- (a) The recommendation of the Committee and the reasons in support of that recommendation;
- (b) The report of the independent investigator; and
- (c) Any oral and/or written representations from the Officer.

11.19 A minimum of two Independent Persons must be invited to be appointed to the Panel in the following priority order:

- (a) The relevant Independent Person who has been appointed by the Council and who is a local government elector;
- (b) Any other relevant Independent Person who has been appointed by the Council; and
- (c) A relevant Independent Person who has been appointed by another local authority or local authorities.

11.20 The Committee must appoint the Independent Panel at least twenty working days before the Council meeting at which any vote is taken in whether or not to approve the dismissal of the Officer.

## **Part 3      COMMITTEES**

### **Section**

1.      Committee Structure
2.      Committee Procedure Rules
3.      Planning Committee Procedure Rules
4.      [Licensing Sub-committee Procedure Rules]
5.      Planning Committee and Terms of Reference
6.      Licensing Committee and Terms of Reference
7.      Standards Committee and Terms of Reference
8.      Audit and Governance Committee and Terms of Reference
9.      General Purpose Committee
10.     Health and Wellbeing Board Committee and Terms of Reference
11.     Senior Appointments and Disciplinary Committee and Terms of Reference

## 1. COMMITTEE STRUCTURE

1.1 The Council has decided that certain non-executive functions which are not reserved to full Council will be the responsibility of the following Committees:

- Planning Committee
- Licensing Committee
- Standards Committee
- Audit and Governance Committee
- General Purpose Committee
- Health and Wellbeing Committee
- Senior Appointments and Disciplinary Committee

Officers are able to take decisions in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.

1.2 The committee structure, its terms of reference and seats for each committee is approved by full Council at the Annual Meeting, with the allocation of those seats dealt with outside of the meeting. Unless a Committee is subject to particular rules on its composition, the composition of a Committee must be politically proportionate and to the extent possible reflect the size of the Political Groups which make up the Council as a whole.

1.3 Each Committee is subject to the Committee Procedure Rules set out below at section 2 and the Access to Information Procedure Rules set out under Part 1 this Constitution. The Planning Committee and has its own rules set out below under section 3. Sub-committees of the Licensing Committee and the Standards Committee have their own rules as set out elsewhere in this Constitution. If circumstances arise which are not covered by the Committee Procedure Rules or such other rules as apply to a particular Committee, the Council Procedure Rules set out under Part 2 of this Constitution shall apply to those circumstances.

1.4 Committees carry out their functions in accordance with their terms of reference as set out below.

1.5 Unless prohibited from doing so under the law or this Constitution, Committees may delegate their functions and powers to sub-committees, and may also delegate functions and powers to Officers.

### Working Groups

1.6 The Council, Cabinet or any Committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work. Working groups have no formal decision making responsibilities but may provide advice or recommendations. A list of the working groups is maintained by the Council's Democratic Services team.

[Space Holder for Council / Committee Structure diagram]

## **2. THE COMMITTEE PROCEDURE RULES**

### **Purpose and Application**

- 2.1 These Committee Procedure Rules (the Rules) apply to all Council Committees and their sub-committees unless specified otherwise elsewhere in this Constitution, and govern the conduct of meetings of the Committees. These Rules must be read in conjunction with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.2 Meetings of the Planning Committee and the sub-committees of the Licensing Committee and Standards Committee are subject to their own rules and procedures as set out below under section 3 and elsewhere in this Constitution.

### **Time and Place of Committee Meetings**

- 2.3 Full Council shall agree a schedule of Committee meetings at its Annual Meeting.
- 2.4 Additional Committee meetings may be held with the agreement of the Committee Chair taking advice from the Monitoring Officer, and only where there are items of business which can reasonably be deferred to the next scheduled meeting of the Committee.
- 2.5 The Proper Officer will notify the time and place of Committee meetings in the summons.
- 2.6 The summons will also specify the business to be transacted and will be accompanied by such reports as are available.
- 2.7 Committee meetings will take place at the Civic Centre or such other venue at the time specified in the summons.

### **Committee Chairs and Vice Chairs**

- 2.8 Full Council will appoint Committee Chairs and Vice Chairs at its Annual Meeting.
- 2.9 Vacancies in either office will be filled at the next meeting of full Council, including, if held, an Extraordinary Meeting of the Council.
- 2.10 The Chair must chair a Committee meeting if present.
- 2.11 If the Chair is absent from a meeting, the Vice Chair must chair the meeting if present.
- 2.12 If neither the Chair nor Vice Chair is present, the Committee shall appoint a Councillor to Chair the meeting as the first item of business.
- 2.13 The Chair of the meeting must Chair in accordance with these Rules and the Constitution and where necessary taking advice from the Democratic Services Officer and / or legal advisor present.
- 2.14 The Chair shall exercise a casting vote in Committee meetings on any item of business in respect of which there is an equality of votes for and against.

### **Committee Membership**

V2 following comments from Committee 07.10.24

2.15 Full Council will resolve what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall comprise.

2.16 Full Council will also confirm the political proportionality required for each committee with the Group Leader or individual independent councillors agreeing the appointment.

### **Committee Meeting Agendas**

2.17 Meetings will have an agenda similar to the example listed below:

2.17.1 To elect a Councillor to preside at the meeting in the absence of both the Chair and Vice Chair;

2.17.2 To approve the minutes of the previous meeting;

2.17.3 To receive any declarations of interest from Councillors;

2.17.4 To receive referrals from full Council, the Cabinet or other Committees;

2.17.5 To receive reports, if any, from Officers, the Cabinet, and / or other Committees;

2.17.6 To deal with any outstanding business from the last meeting;

2.17.7 To consider any other business specified in the summons to the meeting.

2.18 A Committee meeting may not consider any business not included in the summons unless the Chair agrees to accept a late item on grounds of urgency and those reasons are recorded in the minutes.

### **Quorum**

2.19 The quorum of a meeting shall be one quarter of the Committee membership eligible to vote or the nearest whole number above one quarter subject to a minimum quorum of three Councillors.

2.20 If the Chair counts the number of Councillors present at a meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to fifteen minutes to allow a quorum to be present (and the Chair may allow more than one adjournment up to a total period of fifteen minutes).

If after a period of fifteen minutes there is still no quorum, the Chair shall close the meeting and any remaining business will be considered at the next ordinary meeting of the Committee or at a time and date fixed by the Chair.**Substitutes**

2.21 Subject to the provisions of this Rule 2.21 to Rule 2.26 any Councillor may act as a substitute for another Councillor if they are from the same Political Group at a Committee Meeting.

2.22 The purpose of substitutes is to maintain the quorum and political proportionality of Committee a substitute and should only be used when the usual Committee member is unable to attend a meeting by reason of illness, leave or other good reason.

V2 following comments from Committee 07.10.24

- 2.23 Substitution is not permissible for the Audit and Governance Committee in accordance with guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 2.24 Substitute Councillors must have undertaken any mandatory training that is a requirement for membership of the relevant Committee to be able to sit.
- 2.25 Where the Chair is substituted, the Vice Chair will chair the meeting if present.
- 2.26 Where both the Chair and the Vice Chair are substituted, the meeting will elect a Councillor from those present and entitled to vote to preside at the meeting.

### **Substitution Procedure**

- 2.27 The relevant Councillor must notify their Group Leader and Democratic Services in writing of the proposed substitution (including the name of the substitute) as soon as possible and in advance of the relevant meeting.
- 2.28 In cases of urgency, verbal notification may be provided to Democratic Services with confirmation in writing. (If notification is provided at the meeting itself, it must be made before the meeting starts and to the Democratic Services Officer present and supporting the meeting).
- 2.29 The relevant Group Leader may change a substitution if the notice requirements above are complied with before the start of the relevant meeting, including to revert to attendance by the usual committee member.

### **Limitations**

- 2.30 Substitute Councillors must be appointed for the whole of a committee meeting and the usual committee member has no right to attend the meeting as a committee member.
- 2.31 If a substitute Councillor attends a meeting of the Planning Committee or a hearing sub-committee of the Licensing Committee or Standards Committee, and an agenda item is part considered and the meeting adjourned to consider the matter at a later date, the substitute Councillor must attend the subsequent meeting to consider and determine that item.
- 2.32 Cabinet members may not be substitutes on Council Committees or the Overview and Scrutiny Committees or the Audit and Governance Committee.
- 2.33 Non-cabinet members may not substitute on the Cabinet or Cabinet sub-committees.

### **Duration of Committee Meetings**

- 2.34 The business of a Committee Meeting should be concluded within three hours (including any period of adjournment or otherwise).

### **Extension of a Committee Meeting after Three Hours**

V2 following comments from Committee 07.10.24

- 2.35 If the business of any meeting has not been concluded within three hours (including any period of adjournment or otherwise), the Chair may adjourn or extend the meeting, for up to thirty minutes, or call for an immediate vote on the item under discussion.
- 2.36 If the Chair calls for an immediate vote pursuant to Rule 2.36, the vote will be taken in the usual way without any further discussion.
- 2.37 A Councillor may move that the length of the meeting is extended by up to thirty minutes if:
- 2.37.1 The motion is moved before the expiry of three hours from the start of the meeting;
- 2.37.2 Is seconded and agreed by the Committee without debate.
- 2.38 Only one motion to extend the length of the meeting may be moved and the Chair may put to the vote a different period of extension to that moved but no longer than thirty minutes to ensure the effective and timely conduct of Committee business.
- 2.39 When all the business on the meeting agenda is completed, the Chair will close the meeting.

### **Voting at Committee Meetings**

- 2.40 Unless provided otherwise elsewhere in this Constitution, any matter will be decided by a simple majority of those Councillors present in the room at the time the question is put and eligible to vote on the matter.
- 2.41 Only Councillors may vote, except where the terms of reference of a Committee allow for voting by non-elected Committee members.
- 2.42 Unless a recorded vote is required by law or is validly demanded the Chair will take the vote by electronic means or a show of hands.
- 2.43 If there is an equality of votes for and against on any matter, the Chair shall have a casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

### **Recorded Vote**

- 2.44 If three Councillors present at the meeting demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 2.45 The Democratic Services Officer present will call out Councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 2.46 In the event of an equality of votes on a recorded vote, the Chair will have a casting vote which will be recorded.

### **Right to Require Individual Vote to be Recorded**

- 2.47 Where immediately after a vote is taken, a Councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against a decision or abstained from voting.



### **Rules of Debate**

- 2.48 Committees are intended to be more informal and discursive than Full Council meetings. However, the Chair shall have conduct of the debate with a view to ensuring All Councillors are able to speak on matters relevant to the item under discussion. It is expected that Councillors and others attending adhere to the NOLAN principles and maintain an atmosphere of courtesy and respect.
- 2.49 All Councillors will stop speaking if requested to do so by the Chair.
- 2.50 All statements and questions must be addressed through the Chair.
- 2.51 Speeches and / or questions are not time limited and, if invited by the Chair, a member of the Committee may speak more than once on an item but Committee members should aim to speak for no longer than three minutes.
- 2.52 The Chair may limit the length or number of speeches or questions to ensure the effective conduct of the meeting.
- 2.53 Residents questions will be permitted in accordance with the Council Procedure Rules set out under Part 2 of this Constitution.
- 2.54 Public speaking at meetings of the Planning Committee is subject to the Planning Committee Procedure Rules set out below at section 3. ..

### **Committee Business**

- 2.55 Items of business on the agenda will be presented to the Committee by Officers who may also answer any questions from Councillors.
- 2.56 The Committee may move and agree by consensus or by vote amendments to the recommendations as they see fit , following legal or other advice if required.

### **Point of Order**

- 2.57 Any Councillor may make a point of order to the Chair alleging that there has been a breach of these Rules or any other statutory provision or applicable provision of this Constitution.
- 2.58 A Councillor making a point of order must state to the Chair that:
- 2.58.1 They wish to make a point of order; and
  - 2.58.2 Specifying the Rule or statutory provision or provision of this Constitution which they considers to have been breached; and
  - 2.58.3 The way in which they consider it has been breached.
- 2.59 The Chair shall consider whether a valid point of order has been raised and:
- 2.59.1 If so, take any necessary action; or,
  - 2.59.2 If not, will continue with the business of the meeting; and,
- the Chair's ruling is final.

### **Point of Personal Explanation**

2.60 A Councillor may request to speak to make a personal explanation, where the Chair agrees that the Councillor:

2.60.1 Has been named by another Councillor during the debate and;

2.60.2 Has been named in a manner which reflects adversely upon the reputation of the named Councillor.

2.61 A Councillor who wishes to make a personal explanation must make the request at the end of the current Councillor's speech to the Chair who may either agree or refuse the request. The Chair's decision is final.

2.62 In making a personal explanation, the Councillor must only address the comment in respect of the Councillor's reputation.

### **Press and Public: Access and Exclusion**

2.63 Members of the press and public are permitted to attend all Committee meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

2.64 Members of the press and public may only be excluded from a Committee meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

### **Recording and Filming**

2.65 Any person, including Councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

2.65.1 The person has notified Democratic Services of their intention to film or record the meeting prior to the commencement of the meeting;

2.65.2 Recording or filming must not disrupt the business and conduct of the meeting;

2.65.3 In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;

2.65.4 Refrain from recording or filming any member of the public, except where part of the formal proceedings; and

2.65.5 During a private session of the meeting must not leave any form of recording device in the meeting room, and Councillors remaining in the meeting must not record or film any private session of the proceedings.

2.66 Permission to record or film Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

2.67 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

### **Councillor Misconduct During Meetings**

2.68 If during the course of a Committee meeting a Councillor fails to comply:

V2 following comments from Committee 07.10.24

2.68.1 With the NOLAN principles, these Rules or any other applicable rules or,

2.68.2 An instruction of the Chair; or,

2.68.3 A decision of the Committee;

or when speaking uses offensive, intimidatory or abusive language towards any Councillor, Officer or other person, the Chair may instruct the Councillor to be seated and not to speak.

2.69 If the Councillor continues to fail to comply with the provisions of Rules 2.69.1 to 2.69.3, or otherwise refuses to comply with the Chair's instructions, the Chair may:

2.69.1 Move without debate that the Councillor be suspended from and must leave the meeting, and

2.69.2 If the motion is seconded, the Committee shall vote on the motion.

2.70 If the motion is carried but the offending Councillor refuses to leave the meeting, the Chair may take steps to remove the Councillor from the meeting.

#### **Disturbance by a Member of the Public**

2.71 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.

2.72 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

#### **Removal of a Member of the Public**

2.73 If one or more members of the public interrupts or interferes the effective conduct of the business of a meeting the Chair may warn them, and if they interrupts again, the Chair may order their removal from the meeting.

#### **General Disturbance**

2.74 In case of a general disturbance in any part of the meeting room open to the public for the purpose of attending the meeting, the Chair may order that part of the meeting room to be cleared.

#### **Notification of Cancellation of a Committee Meeting**

2.75 The Proper Officer, after consultation with the Chair may issue, owing to exceptional circumstances, a Public Notice of Cancellation of the Meeting.

2.76 The Notice must state reasons for the cancellation.

#### **Suspension and / or Amendment of the Committee Procedure Rules**

2.77 Subject to any statutory provisions, any or all of these Rules, except the those set out under Rule 2.79 below may be suspended by a majority of at least one half of the whole number of councillors who are present at the meeting and eligible to vote. Suspension will only be for the item or meeting specified in the motion. Motions to suspend must specify the Rule or Rules being suspended.

V2 following comments from Committee 07.10.24

2.78 Rules that may not be suspended:

- 2.78.1 Requirements for Summons (Rules 2.5 to 2.6);
- 2.78.2 Quorum (Rules 2.19 to 2.21);
- 2.78.3 Duration of the Meeting (Rules 2.35 to 2.40);
- 2.78.4 Voting (Rules 2.41 to 2.48);
- 2.78.5 Access and Exclusion of the Press and Public (Rules 2.64 to 2.65);
- 2.78.6 Recording and Filming (Rules 2.66 to 2.68); and,
- 2.78.7 Rules as to conduct and removal (Rules 2.79 to 2.75).

DRAFT

### **3. PLANNING COMMITTEE PROCEDURE RULES**

#### **Purpose and Application**

V2 following comments from Committee 07.10.24

- 3.1 These Planning Committee Procedure Rules (Rules) and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Planning Committee.
- 3.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.
- 3.3 The Planning Committee shall have regard to the Probity in Planning: Guidance to Members and Officers (insert link)

### **Chair and Vice Chair**

- 3.4 The Chair of the Planning Committee or in the absence of the Chair, the Vice Chair of the Planning Committee shall preside over all meetings of the Planning Committee.
- 3.5 In the absence of the Chair and the Vice Chair for the whole or part of a Planning Committee meeting, as the first item of business the Committee shall appoint from those Councillors present a person to act as Chair of the Committee meeting for the duration of the Chair or Vice Chair's absence, and reference in these Rules to Chair will be read as referring to the person chairing the meeting.
- 3.6 The Chair is responsible for:
  - 3.6.1 Calling items for consideration as they appear on the agenda and / or in such alternative order as they consider expedient;
  - 3.6.2 Calling and allowing persons to speak at the meeting in accordance with Rules 3.14 to 3.18 below (public speaking).
  - 3.6.3 Maintaining good order at the meeting and ensuring the effective and timely conduct of the meeting's business, for which purpose the Chair has the power to curtail any speaker (including Councillors and members of the Committee), and / or in the event of disorder, to suspend the hearing until good order is restored.
- 3.7 In all matters of procedure and the interpretation of all rules applicable to a Committee meeting the Chair's decision is final.
- 3.8 As appropriate prior to a meeting the Chair and Vice Chair of the Planning Committee may meet with Officers to consider the business of the meeting and speaking arrangements for each item on the agenda.

### **Officer Attendance**

- 3.9 A Planning Officer and legal advisor shall attend all Planning Committee meetings.

### **Order of Business**

- 3.10 The order of business for a Planning Committee shall be:

3.11 In the absence of the Chair and Vice Chair of the Planning Committee, to elect the Chair of the meeting;

- (a) Apologies;
- (b) Minutes;
- (c) Substitutes;
- (d) Declarations of interest;
- (e) Consideration of planning applications in the order they appear on the agenda and / or in such alternative order as is considered expedient;
- (f) To deal with any other business specified in the agenda

### **Consideration of Planning Applications**

3.12 Planning applications will be considered in the order they appear on the agenda as follows:

- (a) The Chair will announce the agenda item number;
- (b) The Planning Officer will introduce the planning application with any relevant updates including those which may be contained within a supplementary update report..
- (c) The Chair will call on public speakers in accordance with Rules 3.14 to 3.18 below.
- (d) The Chair will ask members of the Committee if they require any clarification on points raised by any public speaker;
- (e) The Chair will ask members of the Committee if they have any technical questions for the Planning Officer and / or the legal advisor and/or any other technical staff present;
- (f) The Committee will then discuss / debate the planning application, during which members of the Committee may, through the Chair, seek further clarification from the Planning Officer and / or the legal advisor / other technical advisors present regarding the application, or, on points raised by public speakers.

3.13 Except where the Committee has determined that the decision on application is to be deferred, the Committee will then determine the application on a vote.

### **Public Speaking**

3.14 With the consent of the Planning Committee Chair Councillors of Southend-on-Sea City Council may speak at meetings of the Planning Committee.

3.15 All other persons who wish to speak at a hearing of the Committee must have registered in advance to do so.

V2 following comments from Committee 07.10.24

3.16 The circulation of documents (including photographs) or presentation of material at meetings other than submitted as part of the planning application is not permitted.

3.17 The following will be invited to have an opportunity to speak at the meeting a planning application is due to be considered by the Planning Committee:

- (a) Members of the public who have previously made written representations either objecting to or in support of that planning application in accordance with the Planning Committee Public Speaking Rules (include link);
- (b) Parish Councils who have previously made written representations objecting to or in support of the application;
- (c) The applicant or agent (right of reply only).

3.18

3.19 The order of speaking and the time limit of speeches shall be determined in accordance with the Planning Committee Public Speaking Rules.

### **Voting**

3.20 A member of the Committee must be present throughout the entire presentation and debate on a planning application in order to vote on it.

3.21 Each member of the Committee shall have one vote.

3.22 Where the number of votes for and against an application is equal, the Chair shall have a casting vote.

3.23 A planning application shall be decided by a simple majority of those members of the Committee physically present in the room and entitled to vote on the application.

3.24 Subject to Rule 3.24 to 3.26 below, voting shall be for:

- (a) The recommendation on the planning application as it appears in the written report; or,
- (b) The recommendation on the planning application as amended at hearing by the Planning Officer; or,
- (c) An alternative recommendation on the planning application, as proposed by a member of the Committee during the meeting which must be seconded by at least one other member of that Committee.

3.25 Where there is more than one amendment proposed by a member of the Committee at the meeting, each proposed amendment will be voted on in order of the proposed amendments, provided that, for each proposed amendment which differs from the recommendation of the Planning Officer at Rule 3.23 (a) or Rule 3.23 (b), the Committee shall establish clear reasons for each proposed amendment.

3.26 If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to establish and consider the reasons for each proposed amendment.

V2 following comments from Committee 07.10.24

- 3.27 The Chair shall invite the Planning Officer and legal advisor to advise on the clarity and validity of the reasons established for each proposed amendment, and If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to test the reasons and consider them at a further hearing of the Committee prior to determining the application .
- 3.28 Where there is any ambiguity as to the way in which members of the Committee are voting on any matter, the Chair shall require each member to confirm their vote on each matter before the decision is recorded.
- 3.29 Any member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.
- 3.30 Immediately after a vote is take and any member of the Committee requests it, their vote will be recorded in the minutes.

#### **4. [LICENSING SUB-COMMITTEE PROCEDURE RULES]**

##### 4.1 [Space Holder]

(Licensing Sub-committee Procedure Rules for potential insertion here, however a link to the document may be preferred) ))

## **5. PLANNING COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**



- 5.1 The Planning Committee is appointed by the Council under the Local Government Act 1972 for the purpose of discharging those functions of the Council relating to town and country planning, and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as such functions are not the responsibility of any other local authority.
- 5.2 The Planning Committee shall have regard to the Planning Committee Procedure Rules set out above under section 3 [and the Probity in Planning: Guidance to Members and Officers (insert link)].
- 5.3 The membership, chair and quorum requirements for the Planning Committee are as set out below in the table below.

#### Membership, Chair and Quorum

<b>Number of Members</b>	17
<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	<p>[The Mayor and Cabinet Members may not be members of the Planning Committee]</p> <p>Members and substitutes must complete training in the principles of determining planning applications:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• As required by the Council</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	Nil
<b>Quorum for Meetings</b>	¼ of membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	As required

#### Terms of Reference

- 5.4 The discharge of the non-executive functions and responsibilities of the Council relating to town and country planning, and development control specified in Schedule 1 of the

V2 following comments from Committee 07.10.24

Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation as regards functions under the following Acts and associated Regulations and Orders:

- 5.4.1 Town and Country Planning Act 1990;
  - 5.4.2 Planning (Listed Buildings and Conservation Area) Act 1990;
  - 5.4.3 Planning (Hazardous Substances) Act 1990;
  - 5.4.4 Planning and Compulsory Purchase Act 2004.
- 5.5 Functions relating to the preservation of trees and hedgerows.
- 5.6 The exercise of ancillary powers in respect of those functions referred to above in relation to highways to the extent that they concern planning matters.
- 5.7 Responsibility for:
- 5.7.1 Wider strategic development;
  - 5.7.2 Sites which have a significant impact beyond the Council's area;
  - 5.7.3 Sites fundamental or contrary to the Council's Local Plan, or other national or government approved planning policies, including without limitation as regards:
    - (a) Major infrastructure;
    - (b) Large scale major development comprising:
      - Housing (approximately 400 dwellings or more);
      - Employment (approximately 10,000 square metres or 2 hectares or more);
      - Retail (approximately 10,000 square metres or 2 hectares or more).
- 5.8 The consideration and determination of the decision the Planning Committee would have made on a planning application subject of the non-determination appeal process.
- 5.9 The consideration and determination of applications which have been 'called-in' by a Councillor of Southend-on-Sea City Council.
- 5.10 The consideration and determination of planning applications submitted by:
- a) A Councillor, their spouse or partner;
  - b) An Officer, their spouse or partner.
- 5.11 The consideration and determination of a planning application where, in the opinion of the Director of Planning and Economy, the application raises issue of planning importance or should otherwise be considered and determined by the Planning Committee.

V2 following comments from Committee 07.10.24

5.12 Undertaking site visits as appropriate.

5.13 In the discharge of the Planning Committee's above functions and without limitation:

(a) Imposing any condition, limitation or restriction, or determining any other terms, on an approval, granted in the exercise of its functions;

(b) Amending, modifying or varying any condition to which approval is subject;

(

### **Delegations to Officers**

5.14 Those functions of the Planning Committee which have been delegated to Officers are set out in the Scheme of Delegation to Officers under Part 7 of this Constitution.

## **6. LICENSING COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

6.1 The Licensing Committee is established by the Council under the Licensing Act 2003 and the Local Government Act 1972 for the purpose of discharging respectively those functions of the Council relating to licensing under the Licensing Act 2003 and the Gambling Act 2005, and those other of the Council's regulatory and licensing functions specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as those functions are not the responsibility of any other Committee or local authority.

6.2 The Licensing Committee may appoint a sub-committee drawn from its members to discharge any of its functions.

6.3 A sub-committee of the Licensing Committee may exercise all the powers of the Licensing Committee.

6.4 The Licensing Committee has appointed the Licensing Sub-committees A, B and C to consider and determine applications delegated to them by the Licensing Committee.

6.5 The Committee Procedure Rules set out above under section 2 shall apply to the Licensing Committee.,

6.6 The Licensing Sub-committee Procedure Rules shall apply to Licensing Sub-committees A, B and C.

6.7 The membership, chair and quorum requirements for the Licensing Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for Licensing Sub-committees A, B and Care set out in the table at paragraph 6.20 below.

### **Membership, Chair and Quorum**

<b>Number of Members</b>	15
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<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	[The Mayor and Cabinet members may not be members of the Licensing Committee]  [ ]  Members and substitutes must complete training in the principles of determining licensing applications: <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	Sub-committees A, B and C

### Licensing Committee Terms of Reference

#### Licensing Act 2003

6.8 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated, where those functions not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation:

- (a) The determination of applications for a premises licence where representations have been made;
- (b) The determination of applications for a provisional statement where representations have been made;
- (c) The determination of applications for the variation of premises licence where representations have been made;

- (d) The determination of applications to vary a designated premises supervisor following police objection;
- (e) The determination of applications for the transfer of a premises licence following objection;
- (f) The consideration of objections made to an interim authority notice;
- (g) The determination of interim steps pending a summary review;
- (h) The determination of applications for a club premises certificate where representations have been made;
- (i) The determination of application to vary a club premises certificate where representations have been made;
- (j) The decision to give counter notice following police objections to a temporary event notice;
- (k) The determination of applications for the grant of a personal licence following objection;
- (l) The revocation of licence where convictions come to light after grant etc;
- (m) The revocation or suspension of licence where convictions or immigration penalties become known; and,
- (n) The determination of interim steps pending summary off-sales review; and,
- (o) Any matter under the Licensing Act 2003 referred to the Licensing Committee for determination by an Officer.

6.9 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.8 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

V2 following comments from Committee 07.10.24

6.10 In conjunction with Officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Licensing Policy.

#### Gambling Act 2005

6.11 To exercise the Council's responsibilities and functions relating to gambling, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation:

- (a) The determination of an application for a premises licence in respect of which representations have been made and not withdrawn;
- (b) The determination of an application for the variation of a premises licence in respect of which representations have been made and not withdrawn;
- (c) The determination of an application for the transfer following representations by the Commission,
- (d) The determination of an application for a provisional statement under in respect of which representations have been made and not withdrawn;
- (e) The review of a premises licence;
- (f) The determination of an application for a club gaming / club machine permit;
- (g) The cancellation of a club gaming / club machine permit;
- (h) The decision to give counter notice following objections to a temporary use notice; and
- (i) Any matter under the Gambling Act 2005 referred to the Licensing Committee for determination by an Officer.

6.12 As a matter of law, the full Council shall resolve to:

- (a) Adopt the Gambling Act 2005 Statement of Principles (adoption by full Council) and,
- (b) Refuse to issue a casino premises licence.

6.13 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.11 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.

- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.14 In conjunction with Officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Principles.

6.15 In conjunction with Officers, to consider and make recommendations to full to refuse issue casino premises licence.

#### Other Licensing

6.16 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or updated where those functions are not functions under the Licensing Act 2003 or the Gambling Act 2005, of any other Committee, or functions reserved to full Council as a matter of law or under this Constitution, or delegated to Officers, including without limitation as regards:

- (a) Caravan sites;
- (b) Camping sites;
- (c) Hackney carriage and private hire operators, drivers and vehicles;
- (d) Sex shops, sex cinemas and sex entertainment venues;
- (e) Acupuncture; tattooing, ear-piercing and electrolysis;
- (f) Pleasure boats and pleasure vessels;
- (g) Markets and street trading, including permits under the Essex Act 1987;
- (h) House to house and street collections;
- (i) Night cafes and take-away food shops;
- (j) Food preparation premises;
- (k) Scrap yards;
- (l) Safety certificates for sports grounds and regulated stands at sports grounds;
- (m) Animals and birds, including selling animals as pets, providing or arranging provisions for the boarding for cats and dogs, hiring horses, breeding dogs, keeping or training animals for exhibition, zoos and

dangerous wild animals, and premises related to animals including knackers' yards;

- (n) Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer;
- (o) Smoke free premises etc;
- (p) Film classification (age); and,
- (q) Any matter pertaining to licensing or regulation referred to the Licensing Committee for determination by an Officer.

6.17 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.16 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.18 In conjunction with Officers, to develop and adopt, or recommend to full Council for adoption, such licensing policies as are required by law or as are otherwise appropriate.

#### **Delegations to Officers**

6.19 Those functions of the Licensing Committee which may be discharged by a specified Officer are set in the Scheme of Delegation to Officers under Part 7 of this Constitution.

#### **Licensing Sub-committees A, B and C**

6.20 The membership, chair and quorum requirements for Licensing Sub-committee A, B and Care as set out in the below table:

#### **Membership, Chair and Quorum**



<b>Number of Members</b>	Sub-committee A and B 3 Members of the Licensing Committee Sub-committee C 9 Members of the Licensing Committee
<b>Substitute Members Permitted</b>	Yes if undertaken the required training
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Licensing Committee
<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be a member of a Licensing Sub-committee][ The Chair or Vice-chair of the Licensing Committee shall be a member of each Licensing Sub-committee Members and substitutes must complete training in the principles of determining licensing applications under the Licensing Act 2003 and the Gambling Act 2005, and as may otherwise be required: <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair or Vice-chair of the Licensing Committee shall chair a Licensing Sub-committee
<b>Quorum for Meetings</b>	[3]
<b>Number of Ordinary Meetings Per Council Year</b>	As required

### Licensing Sub-committees Terms of Reference

6.21 Licensing Sub-committees A and B shall consider and determine those applications and matters under the Licensing Act 2003 and Gambling Act 2005 delegated to it by the Licensing Committee from time to time.

V2 following comments from Committee 07.10.24

6.22 Licensing Sub-committee C shall consider and determine those applications and matters other than those under the Licensing Act 2003 and the Gambling Act 2005 to it by the Licensing Committee from time to time.

## **7. STANDARDS COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

- 7.1 The Standards Committee is established by the Council under the Local Government Act 1972 to oversee, develop and review the Council's Code of Conduct for Councillor and the Council's Arrangements for Dealing with Complaints Against Councillors each set out under Part 6 of this Constitution.
- 7.2 In discharging its functions the Standards Committee shall consult with an Independent Person of the Council as required.
- 7.3 The Standards Committee may appoint a sub-committee drawn from its own members to discharge any of its functions.
- 7.4 The Standards Committee has appointed The Standards Committee Hearing Sub-committee (Hearing Sub-committee) to consider and determine complaints against made against a Councillor or co-opted member under the Code of Conduct for Councillors, in accordance with the Arrangements for Dealing with Complaints Against Councillors.
- 7.5 The Standards Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 7.6 Hearings of the Hearing Sub-committee shall be conducted in accordance with the Standards Hearing Sub-committee Procedure Rules set out under Part 6 of this Constitution.
- 7.7 The membership, chair and quorum requirements for Standards Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for a sub-committee of the Standards Committee and the Hearing Sub-committee are set out in the table at paragraph 7.20 below.

### **Membership, Chair and Quorum**

<b>Number of Members</b>	9 (including up to non-voting 2 Independent Persons)
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders

<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be a member of the Standards and General Purpose Committee]  [ ]
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	Standards Hearing Sub-committee

### Terms of Reference

7.8 The promotion of the highest standards of behaviour by Councillors and co-opted members of the Council in accordance with the 'Nolan Principles' on standards in public life, which are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

7.9 Reviewing and developing for the adoption by full Council of the Council's:

- (a) Code of Conduct for Councillors (Code);
- (b) Arrangements for Dealing with Complaints Against Councillors (Arrangements);

7.10 Advising and recommending to full Council amendments to the Code or the Arrangements;

7.11 Reporting to full Council on the implementation of the Code and the Arrangements.

7.12 Reporting to full Council on the number of complaints made under the Code each municipal year.

V2 following comments from Committee 07.10.24

- 7.13 Reviewing training requirements and arrangements for Councillors and co-opted members on standards, the Code and the Arrangements.
- 7.14 Receiving reports on the registration and declaration of disclosable interests by Councillors and co-opted members of the Council.
- 7.15 Receiving reports on the registration of gifts and hospitality by Councillors and co-opted member of the Council.
- 7.16 Making recommendations to full Council on the appointment of Independent Persons of the Council.
- 7.17 Establishing a Standards Hearing Sub-committee to hear and determine complaints against Councillors made under the Code in accordance with the Arrangements where a hearing is required.
- 7.18 Supporting the Monitoring Officer in standards matters.
- 7.19 Considering any other matter referred to it by the Monitoring Officer.

Protocol on Member / Officer Relations

NEW 7.20 In conjunction with the Monitoring Officer, reviewing the provisions, implementation and effectiveness of the Protocol on Member / Officer Relations, and recommending changes to full Council for adoption.

**Hearing Sub-committee**

7.20 The membership, chair and quorum requirements of the Hearing Sub-committee are set out in the below table.

**Membership, Chair and Quorum**

<b>Number of Members</b>	[3] Members of the Standards Committee
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Standards Committee
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be a member of the Hearing Sub-committee [ ] •
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	[3]

<b>Number of Ordinary Meetings Per Council Year</b>	As required
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### Hearing Sub-committee Terms of Reference

7.21 As required under the Arrangements, the Hearing Sub-committee shall consider and determine complaints submitted against Councillors and co-opted members under the Code.

## 8. AUDIT AND GOVERNANCE COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 8.1 The Audit and Governance Committee is established by the Council under the Local Government Act 1972 to provide independent assurance to the Council as regards the Council's governance, risk management framework and associated control environment, including as regards treasury management. environment. The Audit and Governance Committee provides independent review of the Council's financial and non-financial performance to the extent that it exposes the Council to risk and weakens its control environment, approves the Council's final accounts and also acts as an advisory committee to the Council and the Cabinet on audit and governance matters.
- 8.2 The Audit and Governance Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 8.3 A sub-committee of the Audit and Governance Committee may exercise all the powers of the Audit and Governance Committee.
- 8.4 The Audit and Governance Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 8.5 The membership, chair and quorum requirements for the Audit and Governance Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	[ 9 ]
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Full Council
<b>Restrictions on Membership</b>	[The Mayor and Cabinet Members may not be members of the Audit and Governance Committee]

	<p>[ ]</p> <p>Members and substitutes must complete training on the Council's governance, risk management and financial reporting arrangements:</p> <p>Prior to appointment;</p> <p>After any period of extended absence; and,</p> <p>At least once in each municipal year</p>
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]

## Terms of Reference

### Audit

- 8.6 To consider the Chief Internal Auditor's annual plan and annual report (including a summary of internal audit activity) and the level of assurance it can give over the Council's governance arrangements.
- 8.7 To consider summaries of specific internal audit reports and the response of the Chief Executive to such reports.
- 8.8 To consider reports dealing with the management and performance of internal audit service providers.
- 8.9 To consider the external auditor's annual letter, relevant reports and the report to those in charge of governance.
- 8.10 To consider specific reports as agreed with the Chief Finance Officer, Chief Internal Auditor, and Monitoring Officer, Chief Executive or external auditor.
- 8.11 To comment on the scope and depth of external audit work and ensure it provides value for money.
- 8.12 To commission work from internal and external audit in accordance with guidelines as required.
- 8.13 Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee.

### Governance

V2 following comments from Committee 07.10.24

- 8.14 To maintain an overview of all aspects of this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the Contract Procedure Rules, and the Financial Procedure Rules.
- 8.15 To recommend and changes to this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the Contract Procedure Rules, and the Financial Procedure Rules, to full Council for adoption.
- 8.16 To review any issue referred to it within the terms of reference of the Audit and Governance Committee by the Chief Executive, Monitoring Officer, Chief Finance Officer or any body of the Council.
- 8.17 To consider and monitor the Council's risk registers and refer matters for consideration to Cabinet and Council.
- 8.18 To monitor the effective development and operation of risk management and corporate governance arrangements within the Council, and approve the annual risk ,management strategy.
- 8.19 To approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies.
- 8.20 To review and make recommendations on the Council's Annual Governance Statement.
- 8.21 To consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice.
- 8.22 To monitor the Council's compliance with its own and other published standards and controls.
- 8.23 To consider reports dealing with risk management across the Council, and those reports which identify key risks the Council faces, seeking assurance to the satisfaction of the Audit and Governance Committee, of appropriate management action.
- 8.24 To receive each municipal year statistical reports and details of complaints received and investigated under the Council's corporate complaints procedure.

#### Financial Reporting

- 8.25 To review the Council's annual statement of accounts and specifically consider whether appropriate accounting policies have been followed, and whether there are any concerns arising from the financial statements or the audit, which should be brought to the attention of the Council.
- 8.26 To consider reports of the external auditor to those in charge of governance on issues arising from the audit of the accounts.

#### Local Government and Social Care Ombudsman

- 8.27 Receiving on behalf of the Council, reports issued by the Local Government and Social Care Ombudsman on investigations that the Council's actions have amounted to maladministration causing injustice.

## 9. GENERAL PURPOSE COMMITTEE

### Purpose

- 9.1 The General Purpose Committee is established by the Council under the Local Government Act 1972 to discharge those functions set below under the terms of reference, and such other of the Council's functions which have not been reserved to the full Council as a matter of law, or in accordance with this Constitution, which do not fall within the terms of reference of any other Committee of the Council.
- 9.2 The General Purpose Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 9.3 A sub-committee of the General Purpose Committee may exercise all the powers of the General Purpose Committee.
- 9.4 The General Purpose Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2 and all other applicable rules set out under this Constitution.
- 9.5 The membership, chair and quorum requirements for the General Purpose Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	[ 9 ]
<b>Substitute Members Permitted</b>	No (members act in a quai-trustee capacity and as substitutes are not permitted)
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders
<b>Restrictions on Membership</b>	The Mayor [and Cabinet Members] may not be members of the Pension Fund Committee Members and substitutes must complete such training as required: <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members



<b>Number of Ordinary Meetings Per Council Year</b>	[Four per municipal year] Additional meetings may be scheduled as required
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## **Terms of Reference**

### General Functions

9.6 Such of the Council's functions which are not reserved to the full Council under the law or in accordance with this Constitution which do not fall within the terms of reference of any other Committee of the Council.

### Common Land etc and Byelaws

9.7 Functions relating to common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

- (a) An exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or,
- (b) An order under section 147 of the Inclosure Act 1845 (power to register variation of rights of common).

9.8 Recommending to full Council the making, amendment, revocation, re-enactment or enforcement of a byelaw.

### Rights of Way

9.9 To exercise power to require information as to interests in land.

9.10 To exercise power to create footpaths and bridleways.

9.11 To exercise power to stop up footpaths and bridleways.

9.12 To exercise power to divert footpaths and bridleways.

9.13 To discharge duty to assert and protect the rights of the public to use, and enjoyment of, highways.

9.14 To discharge duty to keep a definitive map and statement under review.

9.15 To discharge duty to reclassify roads used as public paths.

9.16 To exercise power to authorise creation of stiles etc. on footpaths or bridleways.

9.17 To exercise powers relating to the removal of things so deposited on highways as to be a nuisance.

### Elections

9.18 All functions relating to elections, electoral arrangements, the name of the Council and the areas within the administrative area of the Council, and any relevant issues referred by the Head of Paid Service (Chief Executive), Monitoring Officer, Chief Finance Officer and Chief Internal Auditor.

### Awards

9.19 Considering and determining nominations of honorary titles and awards introduced by the Council from time to time.

## **10. HEALTH AND WELLBEING BOARD TERMS OF REFERENCE**

### **Purpose**

10.1 The Health and Wellbeing Board is a Committee of the Council established Local Government Act 1972 as an ordinary committee but amended pursuant to section 194 of the Health and Care Act 2012 (as amended), and the Local Authority (Public Health, Health and Wellbeing Boards and Scrutiny) Regulations 2013.

10.2 The purpose of the Health and Wellbeing Board is lead the improvement of health and wellbeing of residents of the Southend-on-Sea City Council area, with a specific focus on tackling health inequalities.

### **Composition**

10.3 The Health and Care Act 2024 (as amended) specifies certain requirements as to the composition of the Health and Wellbeing Board.

10.4 The voting members of the Board comprise:

- Six Councillors nominated by the Mayor including the Cabinet Member for public health
- The Chief Executive of the Council;
- The Executive Director (Children and Public Health;)
- The Director of Public Health;
- The Local Area Team Director (NHS England, Essex Local Area Team)
- A Representative of Healthwatch Southend;
- A Representative(s) of each Integrated Care Partnership operating within the Council's area.

10.5 The non-voting co-opted members of the Board comprise:

- 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).

V2 following comments from Committee 07.10.24

10.6 The Board may, in addition, appoint such other persons or representatives as it deems appropriate.

10.7 The Chair of the Council's People Overview and Scrutiny Committee may attend meetings of the Board as an observer, and may ask questions and make comments, but is not entitled to vote.

#### Substitutes

10.8 Substitutes are permitted in accordance with the Council's Committee Procedure Rules.

10.9 Co-opted member substitutes must be of a sufficient level of seniority of their organisation.

#### Delegations to Sub-committees and Officers

10.10 The Board may arrange for the discharge of any of its functions by a Sub-Committee, or an Officer of the Council.

10.11 Unless the Board otherwise directs, a Sub-committee may arrange for the discharge of any of those functions by an Officer of the Council.

10.12 The Board may appoint one or more Sub-committees to advise the Board with respect to the discharge of functions by the Board.

#### Political Proportionality

10.13 Political proportionality rules do not apply to the Health and Wellbeing Board as it is a statutory committee with specified membership.

#### Chair

10.14 The Chair shall be a Cabinet Member appointed by the Leader.

#### Quorum

10.15 Quorum for a meeting of the Health and Wellbeing Board shall be four including:

10.15.1 Not less than two Councillors of Southend-on-Sea City Council; and,

10.15.2 Not less than one representative from the Integrated Care Partnership.

#### Rules

10.16 Except as regards the above paragraphs 10.8 – 10.15, the Council's Committee Procedure Rules set out above under section 2 shall apply to the Health and Wellbeing Board.

#### **Terms of Reference**

10.17 To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping healthcare commissioning.

10.18 To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) so that future commissioning / policy decisions and priorities are evidence based.

V2 following comments from Committee 07.10.24

10.19 To determine the health improvement priorities in Southend.

10.20 To promote integration, collaboration and partnership working.

10.21 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.

10.22 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.

10.23 To initiate and support stakeholder and community engagement and consultation work in relation to health and wellbeing issues.

10.24 To appoint task and finish groups / sub-committees for specific pieces of work that support or inform health and wellbeing across Southend.

10.25 To sign-off key commissioning plans, strategy and policy related to health and wellbeing and health inequalities.

10.26 To oversee the development of the pharmaceutical needs assessment.

10.27 To performance manage the achievement of and progress against key outcomes identified within the JHWS.

10.28 To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JHWS.

10.29 To oversee the strategic governance for Fulfilling Lives. A Better Start Programme.

10.30 To carry out all other statutory functions of the Health and Wellbeing Board

## **11. SENIOR APPOINTMENTS AND DISCIPLINARY COMMITTEE AND TERMS OF REFERENCE**

### **Purpose**

11.1 The Senior Appointments and Disciplinary Committee (the Committee) is established by the Council under the Local Government Act 1972 to discharge the Council's functions in relation to the Council's statutory and senior Officers as set out in the table below at paragraph 11.6, and make recommendations to full Council as required.

11.2 The Senior Appointments and Disciplinary Committee may appoint a sub-committee drawn from its members to discharge any of its functions.

11.3 The Senior Appointments and Disciplinary Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under section 2, the Staff Employment Procedure Rules set out under Part 7 of this Constitution, all other applicable rules set out under this Constitution, and all applicable law.

V2 following comments from Committee 07.10.24

11.4 The membership, chair and quorum requirements for the Senior Appointments and Disciplinary Committee are as set out below in the table below.

#### **Membership, Chair and Quorum**

<b>Number of Members</b>	7
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or individual Councillors
<b>Restrictions on Membership</b>	At least one Cabinet Member must be a member [ ]
<b>Restrictions on Chair and Vice Chair</b>	[ ]
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]
<b>Standing Sub-committee</b>	No

#### **Appointment, Dismissal, and Disciplinary Action**

11.5 The function of the appointment, taking disciplinary action against, and dismissal of, an Officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated Officers.

11.6 However, this shall not apply to the appointment, disciplinary action or dismissal in relation to the Statutory Officers detailed in the below table. The appointment or dismissal or disciplinary action in respect of the Statutory Officers are functions of the Senior Appointments and Disciplinary Committee.

<b>Statutory Officer</b>	<b>Post</b>
<b>Head of Paid Service</b> (s4 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>
<b>Statutory Chief Officer</b>	<ul style="list-style-type: none"> <li>• Director of Adult Social Services</li> </ul>

(s2 (6) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Director of Children’s Services</li> <li>• Director of Public Health</li> <li>• Chief Finance Officer (s151 Officer)</li> </ul>
<p><b>Non-statutory Chief Officer</b></p> <p>(s2 (7) Local Government and Housing Act 1989)</p>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> <li>• Executive Directors</li> <li>• All other non-clerical posts reporting to the Chief Executive and those for whom Chief Executive is directly responsible</li> </ul>
<p><b>Deputy Chief Officer</b></p> <p>(s2 (8) Local Government and Housing Act 1989)</p>	<ul style="list-style-type: none"> <li>• All non-clerical posts reporting directly or is directly accountable to a Statutory or Non-Statutory Chief Officer</li> </ul>
Officers appointed under s9 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Political assistants (where appointed)</li> </ul>

## Recruitment

11.7 Where the Council proposes to appoint the Head of Paid Service or senior Officer listed above and it is not proposed that the appointment be made exclusively from among their existing Officers, the committee will:

11.7.1 Draw up a statement specifying:

- (a) The duties of the Head of Paid Service or Senior Officer concerned; and
- (b) Any qualifications or qualities to be sought in the person to be appointed;

11.7.2 Make arrangements for:

- (a) The post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (b) A copy of the statement to be sent to any person on request.

## Appointments

11.8 To undertake the selection process and interviews candidates shortlisted for any of the above posts (bar Political Assistants). Offers of appointments will also be made (subject

V2 following comments from Committee 07.10.24

to the Executive Objections procedure (see below)) for all of the above posts save the Chief Executive which must be recommended to Full Council for approval.

#### Disciplinary Action, Grievance or Dismissal

11.9 To determine all disciplinary action relating to any of the posts listed above (bar Political Assistants).

11.10 To dismiss any of the posts listed above (subject to the Executive Objections procedure (see below)) save the Chief Executive, S151 officer and Monitoring Officer which must be recommended to Full Council for approval

11.11 To determine grievance appeals submitted by any of the above listed officers.

#### **Suspension Head of Paid Service and Chief Officers**

11.12 To suspend or review an earlier suspension decision taken by the Chief Executive or Monitoring Officer whilst an investigation takes place into alleged misconduct.

#### Appointment of an Independent Panel

11.13 To appoint an Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended where the dismissal of the Head of paid Service, s151 and Monitoring Officer is to be recommended to Full Council.

#### **The Executive Objective Procedure**

11.14 Where the Committee makes a decision to appoint or dismiss a Statutory or Non Statutory Chief Officer or Deputy Chief Officer post, the Executive Objective Procedure set out at paragraphs 11.14.15 to 11.20 must be followed before an offer of employment can be made or notice of dismissal given.

11.15 The Proper Officer will inform the Leader and all Cabinet members about the proposed appointment or dismissal in writing, including:

- (a) The name of the person who it is proposed to appoint or dismiss;
- (b) Any other particulars relevant to the appointment or dismissal which have been notified to the Proper Officer;
- (c) That objections to the appointment or dismissal must be received by the Leader within **two clear days** for notification to the Proper Officer.

11.16 The appointment or dismissal can only be made if:

- (a) The Leader has, within the period of **two clear days**, notified the Proper Officer that neither he nor any Cabinet member has any objection to the appointment or dismissal; or,

V2 following comments from Committee 07.10.24

- (b) The Proper Officer has notified the Senior Appointments and Disciplinary Committee that no objection was received by them from the Leader within that time period; or
- (c) An objection is received within that time period and is considered by the Senior Appointments and Disciplinary Committee not to be material or well founded.

11.17 If the Senior Appointments and Disciplinary Committee, with the advice of the Chief Executive or Monitoring Officer, considers an objection to be material or well founded, they may reconsider their decision to appoint or dismiss.

### **Independent Panel**

#### Terms of Reference

11.18 To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so, the Independent Panel will consider:

- (a) The recommendation of the Committee and the reasons in support of that recommendation;
- (b) The report of the independent investigator; and
- (c) Any oral and/or written representations from the Officer.

11.19 A minimum of two Independent Persons must be invited to be appointed to the Panel in the following priority order:

- (a) The relevant Independent Person who has been appointed by the Council and who is a local government elector;
- (b) Any other relevant Independent Person who has been appointed by the Council; and
- (c) A relevant Independent Person who has been appointed by another local authority or local authorities.

11.20 The Committee must appoint the Independent Panel at least twenty working days before the Council meeting at which any vote is taken in whether or not to approve the dismissal of the Officer.



## **Part 4 THE EXECUTIVE (CABINET)**

### **Section**

- 1 Executive Arrangements
- 2 The Leader and Cabinet Model of Executive
- 3 The Role of Cabinet
- 4 The Cabinet
- 5 Cabinet Procedure Rules

### Joint Arrangements

- 6 Joint Authorities
- 7 Joint Committees

DRAFT

## **1. EXECUTIVE ARRANGEMENTS**

1.1 The following Parts of this Constitution comprise the Council's executive arrangements:

- (a) Part 1, Section 3      Access to Information Procedure Rules;
- (b) This Part 4            The Executive (Cabinet);
- (c) Part 5                  Overview and Scrutiny Arrangements.

## **2. LEADER AND CABINET MODEL OF EXECUTIVE**

2.1 The Council has adopted an 'executive' governance arrangement with a leader and cabinet model of executive, sometime referred to as the "Strong Leader" model. The term "Executive" refers to the Leader (of the Council) and the Cabinet collectively. The term "Cabinet" is also used to refer to the Executive.

2.2 The Leader is elected by full Council at the Annual Meeting following the election and is elected for a 4 year term. The Leader appoints up to nine other Councillors, called Cabinet Members, who form the Cabinet.

2.3 All functions other than those which are reserved to full Council, or delegated to a Council Committee, as a matter of law or under this Constitution, are called 'executive functions' and are the responsibility of the Leader and Cabinet.

2.4 Specific areas of executive responsibility are called Portfolios and may be assigned by the Leader to a Cabinet Member. A Cabinet Member with responsibility for a Portfolio is also known as a Portfolio Holder.

## **3. THE ROLE OF CABINET**

### **Functions**

3.1 The Local Government Act 2000 provides that the functions of a local authority are the responsibility of its Cabinet (referred to in the Act as the Executive) except for those which the law requires to be performed by the Council; provided that the decisions taken in respect of such a function is within the Council's approved Budget and Policy Framework.

3.2 The Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 (the Regulations) lists the different functions which can be categorised as:

- (a) Schedule 1: Functions which must not be the responsibility of the Cabinet – these are known as "Council Functions".
- (b) Schedule 2: Functions which may be the responsibility of the Cabinet or of the Council – these are known as "Local Choice" functions:
- (c) Schedule 3: Functions which may not be the sole responsibility of the Cabinet; and,

- (d) Schedule 4: Circumstances in which functions which would normally be the responsibility of the Cabinet, are not to be the responsibility of the Cabinet.

3.3 As such, the Council has the discretion to decide which of those functions which fall under Schedule 2 of the Regulations will be the responsibility of the Council and which will be the responsibility of the Cabinet.

3.4 Where a function is not specified in the Regulations it is considered to be an executive function.

### **Executive Functions**

3.5 Except those Council functions listed at in Schedule 1 of the Regulations the Council [has decided that all other functions, including local choice functions, are to be executive functions]. Executive functions include particularly:

- (a) Making “Key Decisions” in respect of executive functions;
- (b) Recommending the rate of Council Tax and related polices to full Council for approval (the Budget);
- (c) Recommending policies to full Council for approval (the Policy Framework);
- (d) Making decisions on local choice functions;
- (e) Exercising the Council’s shareholder function in respect of companies wholly owned by the Council, or in which the Council has an interest.

3.6 Responsibility for executive functions rests with the Leader who will decide which functions they will perform personally, and which will be delegated, if any, to:

- (a) The Cabinet as a whole;
- (b) A Cabinet Committee;
- (c) Individual Cabinet Members;
- (d) Officers;
- (e) Another local authority under ‘joint arrangements’ or any other body or person permitted by law.

3.7 A decision on any delegated executive function may be referred to the whole Cabinet when:

- (a) The Leader, Cabinet Committee, Cabinet Member or Officer believes that due to the contentious or ‘political’ nature of the matter it should be considered and decided by the whole Cabinet; or,
- (b) The Cabinet Member takes a different view of the proposal in question and feels unable to be associated with it;

- (c) The Cabinet Member or Officer believes that they are conflicted or may be accused of bias.
- (d) The decision covers two portfolio areas (known as cross-cutting).

3.8 Additionally, under the Localism Act 2011 a Cabinet member cannot deal with any matter in which they have a Disclosable Pecuniary Interest and must take no action other than referring the matter to the Monitoring Officer and Leader.

## **4. THE CABINET**

### **Composition**

- 4.1 The Cabinet will comprise the Leader together with such number of elected Councillors as s/he may appoint to the Cabinet subject to a minimum of two and a maximum of nine.
- 4.2 The Leader will also appoint a Cabinet Member as a Deputy Leader of the Council.
- 4.3 Only elected Councillors of the Council may be appointed to the Cabinet.
- 4.4 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.
- 4.5 There shall be no co-opted members of the Cabinet and substitutes for Cabinet Members are not permitted.
- 4.6 The composition of the Cabinet is not subject to the political proportionality requirements set out in the Local Government and Housing Act 1989.

### **The Leader**

- 4.7 The Leader will be a Councillor elected as Leader by full Council for a term not exceeding four years. The Leader will hold office until s/he:
  - (a) Resigns from the office of Leader; or,
  - (b) Is no longer an elected councillor of the Council; or,
  - (c) Removed from office by resolution of full Council on receipt of a Notice of Motion in accordance with the requirements of the Council Procedure Rules set out under Part 2 of this Constitution; or,
  - (d) Is removed from office by simple resolution of the Council at the meeting of Council following a change in political control of the Council, as signalled to the Monitoring Officer. A change in political control is a change in the composition of the various Political Groups such that a different Political Group or combination of Political Groups now comprise a majority of the membership of the Council; or,
  - (e) Is disqualified from being a Councillor.

4.8 Where the Leader no longer holds office, the Deputy Leader will undertake the role of Leader until such time as full Council elects a Councillor to the office of Leader.

### **Deputy Leader**

4.9 The Deputy Leader may not vary the executive arrangements made by the Leader or any other arrangements made by the Leader for the discharge of executive functions under this Constitution except:

- (a) Changes consequent on the dismissal of the Leader from office until such time as a new Leader is elected;
- (b) Where, in the opinion of the Chief Executive, the Leader is incapacitated for such period of time that the efficient operation of the Council would be significantly impaired.

4.10 The Deputy Leader shall be appointed by the Leader annually and will hold office until:

- (a) The next annual meeting of the Council; or,
- (b) They resign from office; or
- (c) Until end of the Leader's term of office and the new Leader has been elected; or
- (d) They are no longer an elected Councillor of the Council; or
- (e) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.
- (f) They are disqualified from being a Councillor.

### **Cabinet Members**

4.11 Cabinet Members are appointed by the Leader annually at the Annual Meeting and shall hold office until:

- (a) The next Annual Meeting of the Council; or,
- (b) They resign from office; or,
- (c) They are no longer an elected Councillor of the Council; or,
- (d) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect ~~two working days after receipt of the notice by the Chief Executive~~ immediately.

4.12 The Leader may appoint a Cabinet Member as a Portfolio Holder with or without individual decision making authority.

4.13 The Leader will appoint a Cabinet Member as the Lead Member for Children's Services in accordance with the Children Act 2004.

### **Deputy Cabinet Members**

4.14 The Leader may appoint non-Cabinet Members as Deputy Cabinet Members to advise and assist the Cabinet Members.

## V2 following Comments from Committee 7.10.24

4.15 The total number of Deputy Cabinet Members cannot exceed the number of Cabinet Members.

4.16 Deputy Cabinet Members are not authorised to make decisions which are the responsibility of Cabinet Members. They also do not have automatic speaking rights at meetings of Cabinet or Scrutiny.

4.164.17 Deputy Cabinet Members do not receive a special responsibility allowance.

### **Portfolios**

4.174.18 The Leader may allocate areas of responsibility to a Portfolio and assign a Portfolio to an individual Cabinet Member.

4.184.19 The Leader may change a Portfolio in any way for any reason at any time.

4.194.20 The Leader may reassign a Portfolio for any reason at any time.

4.204.21 The Leader may retain a Portfolio which is not assigned to a Cabinet Member.

4.214.22 The Leader will provide details of Portfolios and Portfolio Holders to the Monitoring Officer and shall notify the Monitoring Officer of any changes to a Portfolio or Portfolio Holder as soon as reasonably practicable.

4.224.23 As soon as reasonably practicable the Leader will report the details and allocation of Portfolios and any subsequent changes thereto to full Council and shall publish the details and allocation of the Portfolios on the Council's website.

4.234.24 The ~~nine~~ Portfolios and the areas of responsibility they contain are set out below at section 6 on the Councils Website [LINK].

### **The Scheme of Delegation to Cabinet Members**

4.244.25 The Leader may delegate executive functions on such terms as they consider appropriate to Cabinet Members in accordance with their Portfolios as set out at section 6.

4.254.26 In cases of uncertainty the Monitoring Officer in consultation with the Leader will decide which Cabinet Member should deal with a given matter.

4.264.27 The Leader's delegation to a Cabinet Member may include the following areas of responsibility:

- (a) To consider reports prepared by Officers and to make any decisions in accordance with the requirements of this Constitution;
- (b) To consider draft reports to the Cabinet with the relevant Executive Director and/or other relevant senior Officer;
- (c) To determine how expenditure on services should be undertaken within approved budgets;
- (d) To agree annual reports;

- (e) To develop and approve service plans of services, including future budget requirements;
- (f) To oversee the budget and performance for particular services in consultation with the relevant Executive Director;
- (g) To determine policies for particular services, which are consistent with the approved Policy Framework;
- (h) To agree responses to consultation papers (except for planning consultation papers) questions from councillor and the public at meetings;
- (i) To make payment of grants to outside bodies within the list approved by the Cabinet, except those which fall to the Cabinet itself to decide;
- (j) To approve decisions affecting a particular locality (i.e. which are not service-wide, council-wide or otherwise corporate)

### **The Scheme of Delegation to Officers**

4.274.28 The Leader may delegate executive functions on such terms as they consider appropriate to identified Officers in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.

4.284.29 The Leader may change the Scheme of Delegation to Officers for any reason at any time.

### **Cabinet Committees**

4.294.30 The Leader or Cabinet may establish a Cabinet Committee at any time to:

- (a) Discharge executive functions on a single occasion or a continuing basis;
- (b) Advise the Leader and / or the Cabinet as a whole;

4.304.31 The composition and terms of reference of a Cabinet Committee shall be determined by the Leader or Cabinet in consultation with the Monitoring Officer.

4.314.32 Details of any Cabinet Committee will be notified to full Council and published on the Council's website.

### **Cabinet Meetings**

4.324.33 Meetings of the Cabinet and any Cabinet Committee shall be conducted in accordance with the Cabinet Procedure Rules set out below under section 5 and shall be open to the press and public in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

## **5. THE CABINET PROCEDURE RULES**

### **Application**

- 5.1 These Cabinet Procedure Rules (Rules) apply to the proceedings and meetings of the Cabinet.
- 5.2 These Rules do not apply to meetings of full Council, Council Committees or Sub-committees.

### **Delegations by the Leader**

- 5.3 Each year the Leader will prepare a written record of the delegations of executive functions. The record of delegations will detail the executive functions which the Leader has delegated to the Cabinet, Cabinet Committees, specific Cabinet Members or Officers. The record of delegations will be presented to the Council at the Council's Annual Meeting and set out in this Constitution. The record of executive functions delegations will include:
  - (a) The names, contact details and electoral area of those Councillors appointed to the Cabinet by the Leader;
  - (b) The executive functions to be performed by the Cabinet;
  - (c) The executive functions to be performed by a specific Cabinet Member / Portfolio Holder (including any limitations on their authority);
  - (d) The constitution and terms of reference of any Cabinet Committee appointed by the Leader or the Cabinet, and the names of the Cabinet Members appointed by the Leader to serve on any Cabinet Committee;
  - (e) The nature and extent of any executive function delegated to any Joint Committee or any other local authority, body or person along with the names of the Cabinet Members appointed to any Joint Committee for the municipal year;
  - (f) Any changes to any of the delegations to Officers, the job title of the Officers to whom delegations are made, and any limits on their authority.
- 5.4 The record of delegations may be amended by the Leader for any reason at any time. The Leader must provide notice of any amendment to the Monitoring Officer, the as a whole Cabinet, or the Cabinet Committee, individual Cabinet Member or Officer concerned. The notice must set out the extent of the amendment and whether it concerns the withdrawal of a delegation to the Cabinet as a whole, a Cabinet Committee, individual Cabinet Member or Officer, a Joint Committee or joint working arrangement, or other body or person. Where the amendment concerns a change to a delegation to a



Joint Committee or joint working arrangement, the Monitoring Officer will report the amendments to the next meeting of the Council.

- 5.5 Where the Leader withdraws a delegation from a Joint Committee, notice do so will be considered as having been provided to the Joint Committee when such notice has been provided by the Leader to the Chair of the Joint Committee.

### **Sub-delegations**

- 5.6 Unless otherwise specified by the Leader or elsewhere under this Constitution the Cabinet or an individual Cabinet Member may sub-delegate to an Officer the discharge of an executive function for which the Cabinet or the Cabinet Member is responsible.
- 5.7 Where an executive function has been sub-delegated, it may still be performed by the Cabinet or the Cabinet Member who made the sub-delegation.
- 5.8 An Officer with delegated authority may refer back to the Cabinet or the Cabinet Member as applicable an executive function which they have been sub-delegated.

### **Conflicts of Interest**

- 5.9 Where the Leader has a conflict of interest they must ensure and that the decision is taken by a Cabinet Member who does not have such a conflict of interest, that the Leader does not influence the decision to be taken.
- 5.10 If every Cabinet Member has a conflict of interest, consideration must be given to delegating the decision to the Chief Executive, appropriate Executive Director or a senior Officer, or to seeking a dispensation to taking the decision.
- 5.11 Where a decision is being taken regarding a service which is commissioned by a Cabinet Member from an external service provider, Cabinet Members must be mindful of potential conflicts of interest arising if they also sit on the board of the service provider, or are otherwise involved in its governance. In such circumstances Cabinet Members should seek advice from the Monitoring Officer before agreeing to sit on such a board or governance structure.

### **Cabinet Meetings**

#### **Applicable Rules**

- 5.12 Cabinet meetings and meetings for Cabinet Committees are convened and conducted in accordance these Rules and the Access to Information Procedure Rules.
- 5.13 The Council Procedure Rules and the Committee Procedure Rules set out under Part 2 and Part 3 of this Constitution respectively do not apply to meetings of the Cabinet or Cabinet Committees.

#### **Time and Place of Cabinet Meetings**

- 5.14 The Cabinet will meet no less than [ ] each municipal year. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by them to every Councillor of the

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

### **Quorum**

5.15 The quorum for a Cabinet meeting is 50% of Cabinet Members, not including Cabinet Deputies. If the quorum is not present within ten minutes of the scheduled start of the meeting or such longer time as the Chair allows, the business of the meeting shall be adjourned to the next Cabinet Meeting.

### **Chair**

5.16 The Leader, or in their absence the Deputy Leader shall chair a Cabinet Meeting. In the absence of both the Leader and the Deputy Leader, the Cabinet Members present at the meeting will appoint from amongst themselves some to chair the meeting.

### **Attendance at Cabinet Meetings**

5.17 Members of the press and public may attend all Cabinet Meetings in accordance with Access to Information Procedure Rules set out under Part 1 of this Constitution, except when:

- (a) The Cabinet has decided that the press and public should be excluded for all or part of the meeting because a matter to be considered is likely to result in the disclosure of exempt or confidential information; or,
- (b) The person attending the meeting has been removed on the order of the Chair so as to prevent the disruption of the meeting.

5.18 A Councillor who is not Cabinet Member may attend a Cabinet meeting as a member of the public in accordance with the Access to Information Procedure Rules, except where excluded in accordance with Rule 5.19 above.

5.19 A Councillor who is not a Cabinet Member may only speak at a Cabinet meeting if invited to do so by the Chair and asking a question under Rule 5.36.

5.20 Officers may attend Cabinet Meetings as follows:

- (a) The Chief Executive and the Deputy Chief Executive may attend Cabinet meetings. Other Executive Directors may attend Cabinet meetings at the invitation of the appropriate Cabinet Member;
- (b) The Statutory Officers of the Council or their nominees may attend Cabinet meetings and speak on issues affecting their statutory responsibilities as of right, or otherwise when requested to do so by the Chair.

5.21 Cabinet Members are not permitted to appoint substitutes to attend Cabinet meetings in their place. The absence of a Cabinet Member will not prevent the consideration or making of decisions in respect of a matter. If a matter has been delegated to an absent Cabinet Member, it may be referred to the Cabinet as a whole for consideration and decisions to be made. An absent Cabinet Member may ask a Deputy Cabinet Member

to speak on his / her behalf, if permitted by the Chair, but Deputy Cabinet Members are permitted to vote at Cabinet Meetings.

### **Order of Business**

5.22 The following business will be conducted at each Cabinet meeting:

- (a) Elect a person to chair if the Leader and Deputy Leaders are not present to chair the meeting;
- (b) To approve the minutes of the last meeting;
- (c) To receive any apologies for absence;
- (d) To receive any declarations of interest;
- (e) To receive any statements from the Leader;
- (f) To consider petitions or motions referred by full Council which relate to executive functions;
- (g) To consider other matters set out in the meeting agenda. The agenda will indicate any matters which are Key Decisions or matters which are exempt or confidential and require the exclusion of the press and / or public.

### **Minutes**

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

5.24 Where an urgent Cabinet meeting is called in accordance with Rule 5.26 above, there is no requirement for the minutes of the previous Cabinet meeting to be signed at the urgent meeting.

### **Disturbance by the Public**

5.25 If a member of the public interrupts the proceedings or otherwise interferes with the conduct of a Cabinet meeting the Chair will warn the person concerned. If that person continues to interrupt or interfere with the meeting the Chair will order their removal from the meeting room.

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

### **Exclusion of the Press and Public**

5.27 Members of the press and public may only be excluded from a meeting of the Cabinet in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

## **Questions**

### Questions on Notice

5.28 Subject to Rule 5.37 any Councillor may ask a question of the Cabinet on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council.

### Notice of Questions

5.29 A Councillor may ask a question under Rule 5.36 if either:

- (a) They have given notice of the question in writing or by e-mail to the Monitoring Officer no later than midday three clear working days before the day of the meeting; or,
- (b) The question relates to urgent matters, the Councillor has the consent of the Chair and the content of the question is received by the Monitoring Officer in writing or by e-mail by 9.00 a.m. on the day of the meeting.

### Content of Questions

5.30 All questions must, in the opinion of the Chair:

- (a) Not be unreasonable;
- (b) Contain no expressions of opinion;
- (c) Relate to matters on which the Council has or may determine a policy;
- (d) Not relate to questions of fact;
- (e) Not require the disclosure of confidential or exempt information;
- (f) Not relate to a matter which is of purely personal concern to an individual / family member.

### Time Allowed for Questions

5.31 The number of questions asked under Rule 5.36 and the total time allowed for consideration of such questions shall be determined by the Chair;

5.32 At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chair from the time when the first questioner started to speak, the Chair shall conclude the meeting or proceed to the next item of business.

5.33 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Cabinet.

### Record of Questions

5.34 The Monitoring Officer will send a copy of any question received under Rule 5.36 to the Chair. Copies of all questions will be available to all Councillors and the public attending the meeting.

5.35 Rejected questions will be returned to the questioner with the reasons for rejection.

### Order of Questions

5.36 Questions from Councillors will be asked in the order determined by the Chair except that if the largest opposition Group Leader has a question they will be invited to put it first.

### Response

5.37 An answer to a question may take the form of:

- (a) A direct verbal answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) Where the reply cannot conveniently be given verbally, a written response will be provided no later than five clear working days after the meeting.
- (d) Copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

## **Suspension and Amendment of the Cabinet Procedure Rules**

### Suspension

5.38 Where permitted by law all of these Rules may be suspended by motion on notice or without notice if at least one half of the whole number of Cabinet Members are present. Suspension can only be for a single item or the duration of the Cabinet meeting.

### **Key Decisions**

5.39 A "Key Decision" In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Key Decisions are decisions which:

5.39.1 Results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

5.39.2 Is deemed to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's administrative area.

5.40 For the purpose of being a key decision, the Council has determined that the level of expenditure or saving (the Key Decision Financial Threshold) shall be £500,000.

5.41 Subject to Rule 5.47 below (general exception), Rule 5.48 below (special urgency) or Rule 5.48 below (major emergencies), a Key Decision may not be taken unless:

- (a) At least twenty-eight clear days' notice has been published in connection with the matter in question (such notice shall be given by means of the Forward Plan); or
- (b) At least five clear days have elapsed since the publication of the notice of the decision, unless the decision taker has resolved that implementation of the decision is urgent in which case the decision can be implemented without delay; and
- (c) Where the decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rules.

### **The Forward Plan**

5.42 The Leader will ensure that notice of all Key Decisions are given at least twenty-eight clear days before they are due to be taken.

5.43 The Council will list all Key Decisions once a month in a Forward Plan indicating which decisions the Cabinet anticipate that they will take during the next four months, together with any particularly significant Key Decisions which are anticipated to be taken will take within the next four to twelve months. The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or Officers as they consider appropriate.

5.44 The Forward Plan will include the following information in respect of each Key Decision:

- (a) The matter in respect of which the decision is to be taken;
- (b) The person or body by whom the decision is to be taken;
- (c) The date on which, or the period within which, the decision is to be taken;
- (d) A list of the documents which will be considered by the person or body taking the decision;
- (e) Notice, if appropriate, that it is intended that a decision will be taken in a private session because the decision contains confidential or exempt information.

5.45 Where the Cabinet anticipate taking a Key Decision on a matter, and inclusion of the matter within the Forward Plan would disclose confidential or exempt information the Cabinet may limit the entry in the Forward Plan to such information as may be disclosed without disclosure provided that notice under Rule 5.43 (e) above has been given.

5.46 The Cabinet shall normally review and update the Forward Plan at least once in every calendar month, and shall make arrangements for the revised Forward Plan to be made available on the Council's website.

### **General Exception**

5.47 Subject to Rule 5.48 (special urgency) or Rule 5.489 (major emergencies) if a matter which is likely to be a Key Decision has not been published for a minimum of twenty-eight clear days on the Council's website, the decision may still be taken if:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for twenty-eight clear days' notice to be given;
- (b) The Monitoring Officer has informed the relevant Scrutiny Committee Chair in advance in writing and made copies of that notice available to the public at the Council's offices and on the Council's website; and
- (c) At least five clear days have elapsed since the Monitoring Officer complied with (b) above.

### **Special Urgency**

5.48 If Rule 5.49 (major emergencies) below does not apply and, by virtue of the date by which a decision must be taken, Rule 5.47 (general exception) above cannot be followed, and the five clear days' notice of the decision cannot be given, then the decision can only be taken if the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. Notice in writing of the application to the Chair of the appropriate Scrutiny Committee must be published on the Council's website and copies made available to at the Council's offices. If there is no Chair of a relevant Select Committee, or if the Chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.

### **Major Emergencies**

5.49 In the event of an emergency as listed below, the Leader may take any immediate urgent decision required without consultation. In the event that the Leader cannot be contacted or is unavailable the Deputy Leader may take any immediate urgent decision required without consultation. In the event that neither the Leader or the Deputy Leaders can be contacted, or are unavailable to act for any reason, the Chief Executive may take any immediate urgent decisions required without consultation. A major emergency is any event or circumstance (happening with or without warning) that causes or threatens:

- (a) Death or injury; or,
- (b) Disruption to the community; or,
- (c) Damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

### **Quarterly Reports on Special Urgency Decisions**

5.50 The Leader will submit quarterly reports to the Council on the Key Decisions taken in accordance with Rule 5.48 (special urgency) above and / or Rule 5.49 (major emergencies) above in the preceding three months. The report will include the number

## V2 following Comments from Committee 7.10.24

of decisions so taken and a summary of the matters in respect of which those decisions were taken and the reasons for urgency.

### **Record of Executive Decisions**

- 5.51 After any meeting of the Cabinet, the Monitoring Officer, will produce a record of every executive decision taken at that meeting as soon as practicable. The record will include the decisions taken, the date the decisions were taken, a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting with the reasons. The record will also include any conflicts of interest declared in relation to a decision, detail whether the Monitoring Officer agreed to make a dispensation where a conflict of interest was declared before the decision was taken.
- 5.52 Where an individual Cabinet Member or Officer takes an executive decision under delegated authority the Monitoring Officer will produce a written record detailing the information specified in Rule 5.51 above.
- 5.53 A copy of a record produced in accordance with Rule 5.51 and Rule 5.52, and any report considered by the decision maker will be published on the Council's website and available at the Council's offices.
- 5.54 Nothing in these Rules 5.51 – 5.53 requires the disclosure of exempt or confidential information.

### **Provision of Reports to Scrutiny Committee**

- 5.55 On the provision of report in accordance with Rule 5.54 , the person who prepared the report will also provide give a copy of it to the Chair of the relevant Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time, provided that such reports do not contain confidential or exempt information.

### **Record of Individual Decisions**

- 5.56 As soon as reasonably practicable after any decision has been taken by a Cabinet Member, or an Executive Director or relevant senior Officer, which would be an executive decision if taken by a Cabinet Member, the decision maker will prepare, or instruct the Proper Officer to prepare, and publish, a record of the decision; and, as appropriate, a statement of the reasons for it and any alternative options considered and rejected. This does not require the disclosure of exempt or confidential information.

## ~~6. THE PORTFOLIOS~~

~~6.1 The nine Portfolios and the areas of responsibility they contain are set out below.~~

### ~~Infrastructure and Corporate Strategy (Leader)~~

- ~~• Car Parks and all Car Parking Matters~~
- ~~• Highways, Structures, Sea Defences, and Engineering~~
- ~~• Passenger Transport / Vehicle Fleet~~



## V2 following Comments from Committee 7.10.24

- ~~Transport (Including Transport Policy and Licensing)~~
- ~~Emergency Planning & Business Continuity~~
- ~~Oversight of Joint Ventures and Companies~~
- ~~Corporate Planning and Strategic Direction~~
- ~~Transformation and Corporate Project Management~~
- ~~Corporate Governance~~
- ~~Media and Communications~~
- ~~Digital and Technology~~
- ~~National and Regional Affairs~~

### **Planning, Housing and the Local Plan (Deputy Leader)**

- ~~Development Management and Building Control~~
- ~~Local Plan and Planning Policy~~
- ~~Homelessness and Rough Sleeping~~
- ~~Housing Strategy, Management and Development~~
- ~~Regional Housing Boards and RSLs~~
- ~~Conservation and Heritage~~

### **Children, Young People and SEND**

- ~~Statutory Lead for Children's Services~~
- ~~Home to School Transport Contract~~
- ~~SEND~~
- ~~A Better Start Southend~~
- ~~Children's Safeguarding~~
- ~~Children's Services~~
- ~~Family Centre, Early Years and Childcare~~
- ~~Schools, Education and Learning~~
- ~~Youth and Connexions~~
- ~~Youth Justice Service~~
- ~~Youth Offending Service~~

**Climate, Environment and Waste**

- ~~Air Quality Improvement~~
- ~~Parks, Open Spaces, and Grounds Maintenance~~
- ~~Street scene and cleansing~~
- ~~Climate action and carbon reduction~~
- ~~Marine and Maritime Affairs~~
- ~~Recycling and waste management~~
- ~~Cemeteries and Crematoria~~

**Community Safety**

- ~~Public Toilets~~
- ~~Community Safety, CCTV, Police Liaison, and PSPOs~~
- ~~Adult and Community Learning~~
- ~~Councillor Development~~
- ~~Health and Safety (Internal)~~
- ~~Customer Contact~~
- ~~Human Resources~~
- ~~Learning and Workforce Development~~

**Culture, Tourism and Business**

- ~~Business Growth and Economic Development~~
- ~~Tourism, place branding, and marketing~~
- ~~Pier and Foreshore~~
- ~~Sport Development~~
- ~~Town Centre Management~~
- ~~Museums, Galleries, Theatres, and Libraries~~
- ~~Community Assets, Cohesion and Engagement~~

**Finance, Assets and Investments**

- ~~Public Transport and Concessionary Fares~~
- ~~Corporate Procurement~~

## V2 following Comments from Committee 7.10.24

- ~~Corporate Budget and Resources Planning~~
- ~~Risk Management~~
- ~~Audit~~
- ~~Council Tax and Business Rates~~
- ~~Financial Services~~
- ~~Housing Benefit~~
- ~~Property and Asset Management~~
- ~~Grants and Inward Investments~~

### **Regeneration, Major Projects and Regulatory Services**

- ~~Queensway Development~~
- ~~Major Capital Programmes~~
- ~~Levelling Up Fund~~
- ~~Regulatory Services, Private Sector Housing Standards and Grants~~
- ~~Regeneration~~
- ~~Democratic Services, Civic Affairs, and Constitutional Matters~~
- ~~Registration Services~~
- ~~Performance Delivery~~
- ~~Legal Services and Land Charges~~
- ~~Partnership Performance Delivery~~

### **Social Care and Healthier Communities**

- ~~Adult Social Care~~
- ~~Commissioning~~
- ~~Mental Health Services~~
- ~~Occupational Therapy~~
- ~~Health and Well-being Board / Partnership~~
- ~~Health Inequalities (Strategic Lead)~~
- ~~Health Integration (SE Essex Alliance)~~
- ~~Domestic Abuse~~
- ~~Drugs and Alcohol Service~~

- ~~Public Health~~
- ~~Equality & Diversity~~

## **7.6. JOINT ARRANGEMENTS**

7.16.1 Southend-on-Sea City Council works with a wide range of organisations to promote the economic, social and environmental well-being of its residents and businesses. These arrangements can take a variety of forms including formal agreements, joint working, appointments, joint committees and cooperation with third parties.

7.26.2 The Council has entered into the joint authorities and joint committees set out below.

### **Joint Authorities**

- The Health and Wellbeing Board and related partnership arrangements;
- Southend Community Safety Partnership

- ~~South East Local Enterprise Partnership~~

### **Joint Committees**

- Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC);
- Rochford and Southend-on-Sea Area Action Plan Committee (re Airport)
- Essex Waste Partnership;
- Essex and Southend Joint Waste Project Board;
- South Essex Councils (SEC)

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## **Part 4 THE EXECUTIVE (CABINET)**

### **Section**

- 1 Executive Arrangements
- 2 The Leader and Cabinet Model of Executive
- 3 The Role of Cabinet
- 4 The Cabinet
- 5 Cabinet Procedure Rules

### Joint Arrangements

- 6 Joint Authorities
- 7 Joint Committees

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## **1. EXECUTIVE ARRANGEMENTS**

1.1 The following Parts of this Constitution comprise the Council's executive arrangements:

- (a) Part 1, Section 3 Access to Information Procedure Rules;
- (b) This Part 4 The Executive (Cabinet);
- (c) Part 5 Overview and Scrutiny Arrangements.

## **2. LEADER AND CABINET MODEL OF EXECUTIVE**

2.1 The Council has adopted an 'executive' governance arrangement with a leader and cabinet model of executive, sometime referred to as the "Strong Leader" model. The term "Executive" refers to the Leader (of the Council) and the Cabinet collectively. The term "Cabinet" is also used to refer to the Executive.

2.2 The Leader is elected by full Council at the Annual Meeting following the election and is elected for a 4 year term. The Leader appoints up to nine other Councillors, called Cabinet Members, who form the Cabinet.

2.3 All functions other than those which are reserved to full Council, or delegated to a Council Committee, as a matter of law or under this Constitution, are called 'executive functions' and are the responsibility of the Leader and Cabinet.

2.4 Specific areas of executive responsibility are called Portfolios and may be assigned by the Leader to a Cabinet Member. A Cabinet Member with responsibility for a Portfolio is also known as a Portfolio Holder.

## **3. THE ROLE OF CABINET**

### **Functions**

3.1 The Local Government Act 2000 provides that the functions of a local authority are the responsibility of its Cabinet (referred to in the Act as the Executive) except for those which the law requires to be performed by the Council; provided that the decisions taken in respect of such a function is within the Council's approved Budget and Policy Framework.

3.2 The Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 (the Regulations) lists the different functions which can be categorised as:

- (a) Schedule 1: Functions which must not be the responsibility of the Cabinet – these are known as "Council Functions".
- (b) Schedule 2: Functions which may be the responsibility of the Cabinet or of the Council – these are known as "Local Choice" functions:
- (c) Schedule 3: Functions which may not be the sole responsibility of the Cabinet; and,



- (d) Schedule 4: Circumstances in which functions which would normally be the responsibility of the Cabinet, are not to be the responsibility of the Cabinet.

3.3 As such, the Council has the discretion to decide which of those functions which fall under Schedule 2 of the Regulations will be the responsibility of the Council and which will be the responsibility of the Cabinet.

3.4 Where a function is not specified in the Regulations it is considered to be an executive function.

### **Executive Functions**

3.5 Except those Council functions listed at in Schedule 1 of the Regulations the Council [has decided that all other functions, including local choice functions, are to be executive functions]. Executive functions include particularly:

- (a) Making “Key Decisions” in respect of executive functions;
- (b) Recommending the rate of Council Tax and related polices to full Council for approval (the Budget);
- (c) Recommending policies to full Council for approval (the Policy Framework);
- (d) Making decisions on local choice functions;
- (e) Exercising the Council’s shareholder function in respect of companies wholly owned by the Council, or in which the Council has an interest.

3.6 Responsibility for executive functions rests with the Leader who will decide which functions they will perform personally, and which will be delegated, if any, to:

- (a) The Cabinet as a whole;
- (b) A Cabinet Committee;
- (c) Individual Cabinet Members;
- (d) Officers;
- (e) Another local authority under ‘joint arrangements’ or any other body or person permitted by law.

3.7 A decision on any delegated executive function may be referred to the whole Cabinet when:

- (a) The Leader, Cabinet Committee, Cabinet Member or Officer believes that due to the contentious or ‘political’ nature of the matter it should be considered and decided by the whole Cabinet; or,
- (b) The Cabinet Member takes a different view of the proposal in question and feels unable to be associated with it;

- (c) The Cabinet Member or Officer believes that they are conflicted or may be accused of bias.
- (d) The decision covers two portfolio areas (known as cross-cutting).

3.8 Additionally, under the Localism Act 2011 a Cabinet member cannot deal with any matter in which they have a Disclosable Pecuniary Interest and must take no action other than referring the matter to the Monitoring Officer and Leader.

## **4. THE CABINET**

### **Composition**

- 4.1 The Cabinet will comprise the Leader together with such number of elected Councillors as s/he may appoint to the Cabinet subject to a minimum of two and a maximum of nine.
- 4.2 The Leader will also appoint a Cabinet Member as a Deputy Leader of the Council.
- 4.3 Only elected Councillors of the Council may be appointed to the Cabinet.
- 4.4 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.
- 4.5 There shall be no co-opted members of the Cabinet and substitutes for Cabinet Members are not permitted.
- 4.6 The composition of the Cabinet is not subject to the political proportionality requirements set out in the Local Government and Housing Act 1989.

### **The Leader**

- 4.7 The Leader will be a Councillor elected as Leader by full Council for a term not exceeding four years. The Leader will hold office until s/he:
  - (a) Resigns from the office of Leader; or,
  - (b) Is no longer an elected councillor of the Council; or,
  - (c) Removed from office by resolution of full Council on receipt of a Notice of Motion in accordance with the requirements of the Council Procedure Rules set out under Part 2 of this Constitution; or,
  - (d) Is removed from office by simple resolution of the Council at the meeting of Council following a change in political control of the Council, as signalled to the Monitoring Officer. A change in political control is a change in the composition of the various Political Groups such that a different Political Group or combination of Political Groups now comprise a majority of the membership of the Council; or,
  - (e) Is disqualified from being a Councillor.

4.8 Where the Leader no longer holds office, the Deputy Leader will undertake the role of Leader until such time as full Council elects a Councillor to the office of Leader.

### **Deputy Leader**

4.9 The Deputy Leader may not vary the executive arrangements made by the Leader or any other arrangements made by the Leader for the discharge of executive functions under this Constitution except:

- (a) Changes consequent on the dismissal of the Leader from office until such time as a new Leader is elected;
- (b) Where, in the opinion of the Chief Executive, the Leader is incapacitated for such period of time that the efficient operation of the Council would be significantly impaired.

4.10 The Deputy Leader shall be appointed by the Leader annually and will hold office until:

- (a) The next annual meeting of the Council; or,
- (b) They resign from office; or
- (c) Until end of the Leader's term of office and the new Leader has been elected; or
- (d) They are no longer an elected Councillor of the Council; or
- (e) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.
- (f) They are disqualified from being a Councillor.

### **Cabinet Members**

4.11 Cabinet Members are appointed by the Leader annually at the Annual Meeting and shall hold office until:

- (a) The next Annual Meeting of the Council; or,
- (b) They resign from office; or,
- (c) They are no longer an elected Councillor of the Council; or,
- (d) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect immediately.

4.12 The Leader may appoint a Cabinet Member as a Portfolio Holder with or without individual decision making authority.

4.13 The Leader will appoint a Cabinet Member as the Lead Member for Children's Services in accordance with the Children Act 2004.

### **Deputy Cabinet Members**

4.14 The Leader may appoint non-Cabinet Members as Deputy Cabinet Members to advise and assist the Cabinet Members.

4.15 The total number of Deputy Cabinet Members cannot exceed the number of Cabinet Members.

4.16 Deputy Cabinet Members are not authorised to make decisions which are the responsibility of Cabinet Members. They also do not have automatic speaking rights at meetings of Cabinet or Scrutiny.

4.17 Deputy Cabinet Members do not receive a special responsibility allowance.

### **Portfolios**

4.18 The Leader may allocate areas of responsibility to a Portfolio and assign a Portfolio to an individual Cabinet Member.

4.19 The Leader may change a Portfolio in any way for any reason at any time.

4.20 The Leader may reassign a Portfolio for any reason at any time.

4.21 The Leader may retain a Portfolio which is not assigned to a Cabinet Member.

4.22 The Leader will provide details of Portfolios and Portfolio Holders to the Monitoring Officer and shall notify the Monitoring Officer of any changes to a Portfolio or Portfolio Holder as soon as reasonably practicable.

4.23 As soon as reasonably practicable the Leader will report the details and allocation of Portfolios and any subsequent changes thereto to full Council and shall publish the details and allocation of the Portfolios on the Council's website.

4.24 The Portfolios and the areas of responsibility they contain are set out on the Councils Website [[LINK](#)].

### **The Scheme of Delegation to Cabinet Members**

4.25 The Leader may delegate executive functions on such terms as they consider appropriate to Cabinet Members in accordance with their Portfolios as set out at section 6.

4.26 In cases of uncertainty the Monitoring Officer in consultation with the Leader will decide which Cabinet Member should deal with a given matter.

4.27 The Leader's delegation to a Cabinet Member may include the following areas of responsibility:

- (a) To consider reports prepared by Officers and to make any decisions in accordance with the requirements of this Constitution;
- (b) To consider draft reports to the Cabinet with the relevant Executive Director and/or other relevant senior Officer;
- (c) To determine how expenditure on services should be undertaken within approved budgets;
- (d) To agree annual reports;
- (e) To develop and approve service plans of services, including future budget requirements;

- (f) To oversee the budget and performance for particular services in consultation with the relevant Executive Director;
- (g) To determine policies for particular services, which are consistent with the approved Policy Framework;
- (h) To agree responses to consultation papers (except for planning consultation papers) questions from councillor and the public at meetings;
- (i) To make payment of grants to outside bodies within the list approved by the Cabinet, except those which fall to the Cabinet itself to decide;
- (j) To approve decisions affecting a particular locality (i.e. which are not service-wide, council-wide or otherwise corporate)

### **The Scheme of Delegation to Officers**

4.28 The Leader may delegate executive functions on such terms as they consider appropriate to identified Officers in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.

4.29 The Leader may change the Scheme of Delegation to Officers for any reason at any time.

### **Cabinet Committees**

4.30 The Leader or Cabinet may establish a Cabinet Committee at any time to:

- (a) Discharge executive functions on a single occasion or a continuing basis;
- (b) Advise the Leader and / or the Cabinet as a whole;

4.31 The composition and terms of reference of a Cabinet Committee shall be determined by the Leader or Cabinet in consultation with the Monitoring Officer.

4.32 Details of any Cabinet Committee will be notified to full Council and published on the Council's website.

### **Cabinet Meetings**

4.33 Meetings of the Cabinet and any Cabinet Committee shall be conducted in accordance with the Cabinet Procedure Rules set out below under section 5 and shall be open to the press and public in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

## **5. THE CABINET PROCEDURE RULES**

### **Application**

- 5.1 These Cabinet Procedure Rules (Rules) apply to the proceedings and meetings of the Cabinet.
- 5.2 These Rules do not apply to meetings of full Council, Council Committees or Sub-committees.

### **Delegations by the Leader**

- 5.3 Each year the Leader will prepare a written record of the delegations of executive functions. The record of delegations will detail the executive functions which the Leader has delegated to the Cabinet, Cabinet Committees, specific Cabinet Members or Officers. The record of delegations will be presented to the Council at the Council's Annual Meeting and set out in this Constitution. The record of executive functions delegations will include:
- (a) The names, contact details and electoral area of those Councillors appointed to the Cabinet by the Leader;
  - (b) The executive functions to be performed by the Cabinet;
  - (c) The executive functions to be performed by a specific Cabinet Member / Portfolio Holder (including any limitations on their authority);
  - (d) The constitution and terms of reference of any Cabinet Committee appointed by the Leader or the Cabinet, and the names of the Cabinet Members appointed by the Leader to serve on any Cabinet Committee;
  - (e) The nature and extent of any executive function delegated to any Joint Committee or any other local authority, body or person along with the names of the Cabinet Members appointed to any Joint Committee for the municipal year;
  - (f) Any changes to any of the delegations to Officers, the job title of the Officers to whom delegations are made, and any limits on their authority.
- 5.4 The record of delegations may be amended by the Leader for any reason at any time. The Leader must provide notice of any amendment to the Monitoring Officer, the as a whole Cabinet, or the Cabinet Committee, individual Cabinet Member or Officer concerned. The notice must set out the extent of the amendment and whether it concerns the withdrawal of a delegation to the Cabinet as a whole, a Cabinet Committee, individual Cabinet Member or Officer, a Joint Committee or joint working arrangement, or other body or person. Where the amendment concerns a change to a delegation to a Joint Committee or joint working arrangement, the Monitoring Officer will report the amendments to the next meeting of the Council.

- 5.5 Where the Leader withdraws a delegation from a Joint Committee, notice do so will be considered as having been provided to the Joint Committee when such notice has been provided by the Leader to the Chair of the Joint Committee.

### **Sub-delegations**

- 5.6 Unless otherwise specified by the Leader or elsewhere under this Constitution the Cabinet or an individual Cabinet Member may sub-delegate to an Officer the discharge of an executive function for which the Cabinet or the Cabinet Member is responsible.
- 5.7 Where an executive function has been sub-delegated, it may still be performed by the Cabinet or the Cabinet Member who made the sub-delegation.
- 5.8 An Officer with delegated authority may refer back to the Cabinet or the Cabinet Member as applicable an executive function which they have been sub-delegated.

### **Conflicts of Interest**

- 5.9 Where the Leader has a conflict of interest they must ensure and that the decision is taken by a Cabinet Member who does not have such a conflict of interest, that the Leader does not influence the decision to be taken.
- 5.10 If every Cabinet Member has a conflict of interest, consideration must be given to delegating the decision to the Chief Executive, appropriate Executive Director or a senior Officer, or to seeking a dispensation to taking the decision.
- 5.11 Where a decision is being taken regarding a service which is commissioned by a Cabinet Member from an external service provider, Cabinet Members must be mindful of potential conflicts of interest arising if they also sit on the board of the service provider, or are otherwise involved in its governance. In such circumstances Cabinet Members should seek advice from the Monitoring Officer before agreeing to sit on such a board or governance structure.

### **Cabinet Meetings**

#### **Applicable Rules**

- 5.12 Cabinet meetings and meetings for Cabinet Committees are convened and conducted in accordance these Rules and the Access to Information Procedure Rules.
- 5.13 The Council Procedure Rules and the Committee Procedure Rules set out under Part 2 and Part 3 of this Constitution respectively do not apply to meetings of the Cabinet or Cabinet Committees.

#### **Time and Place of Cabinet Meetings**

- 5.14 The Cabinet will meet no less than [ ] each municipal year. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by them to every Councillor of the Council. The summons will give the date, time and place of the meeting; specify the business to be transacted and will be accompanied by such reports as are available.

### **Quorum**

5.15 The quorum for a Cabinet meeting is 50% of Cabinet Members, not including Cabinet Deputies. If the quorum is not present within ten minutes of the scheduled start of the meeting or such longer time as the Chair allows, the business of the meeting shall be adjourned to the next Cabinet Meeting.

### **Chair**

5.16 The Leader, or in their absence the Deputy Leader shall chair a Cabinet Meeting. In the absence of both the Leader and the Deputy Leader, the Cabinet Members present at the meeting will appoint from amongst themselves some to chair the meeting.

### **Attendance at Cabinet Meetings**

5.17 Members of the press and public may attend all Cabinet Meetings in accordance with Access to Information Procedure Rules set out under Part 1 of this Constitution, except when:

- (a) The Cabinet has decided that the press and public should be excluded for all or part of the meeting because a matter to be considered is likely to result in the disclosure of exempt or confidential information; or,
- (b) The person attending the meeting has been removed on the order of the Chair so as to prevent the disruption of the meeting.

5.18 A Councillor who is not Cabinet Member may attend a Cabinet meeting as a member of the public in accordance with the Access to Information Procedure Rules, except where excluded in accordance with Rule 5.19 above.

5.19 A Councillor who is not a Cabinet Member may only speak at a Cabinet meeting if invited to do so by the Chair and asking a question under Rule 5.36.

5.20 Officers may attend Cabinet Meetings as follows:

- (a) The Chief Executive and the Deputy Chief Executive may attend Cabinet meetings. Other Executive Directors may attend Cabinet meetings at the invitation of the appropriate Cabinet Member;
- (b) The Statutory Officers of the Council or their nominees may attend Cabinet meetings and speak on issues affecting their statutory responsibilities as of right, or otherwise when requested to do so by the Chair.

5.21 Cabinet Members are not permitted to appoint substitutes to attend Cabinet meetings in their place. The absence of a Cabinet Member will not prevent the consideration or making of decisions in respect of a matter. If a matter has been delegated to an absent Cabinet Member, it may be referred to the Cabinet as a whole for consideration and decisions to be made. An absent Cabinet Member may ask a Deputy Cabinet Member to speak on his / her behalf, if permitted by the Chair, but Deputy Cabinet Members are permitted to vote at Cabinet Meetings.



## **Order of Business**

5.22 The following business will be conducted at each Cabinet meeting:

- (a) Elect a person to chair if the Leader and Deputy Leaders are not present to chair the meeting;
- (b) To approve the minutes of the last meeting;
- (c) To receive any apologies for absence;
- (d) To receive any declarations of interest;
- (e) To receive any statements from the Leader;
- (f) To consider petitions or motions referred by full Council which relate to executive functions;
- (g) To consider other matters set out in the meeting agenda. The agenda will indicate any matters which are Key Decisions or matters which are exempt or confidential and require the exclusion of the press and / or public.

## **Minutes**

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

5.24 Where an urgent Cabinet meeting is called in accordance with Rule 5.26 above, there is no requirement for the minutes of the previous Cabinet meeting to be signed at the urgent meeting.

## **Disturbance by the Public**

5.25 If a member of the public interrupts the proceedings or otherwise interferes with the conduct of a Cabinet meeting the Chair will warn the person concerned. If that person continues to interrupt or interfere with the meeting the Chair will order their removal from the meeting room.

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

## **Exclusion of the Press and Public**

5.27 Members of the press and public may only be excluded from a meeting of the Cabinet in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

## **Questions**

### Questions on Notice

5.28 Subject to Rule 5.37 any Councillor may ask a question of the Cabinet on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council.

### Notice of Questions

5.29 A Councillor may ask a question under Rule 5.36 if either:

- (a) They have given notice of the question in writing or by e-mail to the Monitoring Officer no later than midday three clear working days before the day of the meeting; or,
- (b) The question relates to urgent matters, the Councillor has the consent of the Chair and the content of the question is received by the Monitoring Officer in writing or by e-mail by 9.00 a.m. on the day of the meeting.

### Content of Questions

5.30 All questions must, in the opinion of the Chair:

- (a) Not be unreasonable;
- (b) Contain no expressions of opinion;
- (c) Relate to matters on which the Council has or may determine a policy;
- (d) Not relate to questions of fact;
- (e) Not require the disclosure of confidential or exempt information;
- (f) Not relate to a matter which is of purely personal concern to an individual / family member.

### Time Allowed for Questions

5.31 The number of questions asked under Rule 5.36 and the total time allowed for consideration of such questions shall be determined by the Chair;

5.32 At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chair from the time when the first questioner started to speak, the Chair shall conclude the meeting or proceed to the next item of business.

5.33 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Cabinet.

### Record of Questions

V2 following Comments from Committee 7.10.24

5.34 The Monitoring Officer will send a copy of any question received under Rule 5.36 to the Chair. Copies of all questions will be available to all Councillors and the public attending the meeting.

5.35 Rejected questions will be returned to the questioner with the reasons for rejection.

#### Order of Questions

5.36 Questions from Councillors will be asked in the order determined by the Chair except that if the largest opposition Group Leader has a question they will be invited to put it first.

#### Response

5.37 An answer to a question may take the form of:

- (a) A direct verbal answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) Where the reply cannot conveniently be given verbally, a written response will be provided no later than five clear working days after the meeting.
- (d) Copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

### **Suspension and Amendment of the Cabinet Procedure Rules**

#### Suspension

5.38 Where permitted by law all of these Rules may be suspended by motion on notice or without notice if at least one half of the whole number of Cabinet Members are present. Suspension can only be for a single item or the duration of the Cabinet meeting.

#### **Key Decisions**

5.39 A "Key Decision" In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Key Decisions are decisions which:

- 5.39.1 Results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- 5.39.2 Is deemed to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's administrative area.

5.40 For the purpose of being a key decision, the Council has determined that the level of expenditure or saving (the Key Decision Financial Threshold) shall be £500,000.

5.41 Subject to Rule 5.47 below (general exception), Rule 5.48 below (special urgency) or Rule 5.48 below (major emergencies), a Key Decision may not be taken unless:

- (a) At least twenty-eight clear days' notice has been published in connection with the matter in question (such notice shall be given by means of the Forward Plan); or
- (b) At least five clear days have elapsed since the publication of the notice of the decision, unless the decision taker has resolved that implementation of the decision is urgent in which case the decision can be implemented without delay; and
- (c) Where the decision is to be taken at a meeting of the Cabinet or a Cabinet Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rules.

### **The Forward Plan**

- 5.42 The Leader will ensure that notice of all Key Decisions are given at least twenty-eight clear days before they are due to be taken.
- 5.43 The Council will list all Key Decisions once a month in a Forward Plan indicating which decisions the Cabinet anticipate that they will take during the next four months, together with any particularly significant Key Decisions which are anticipated to be taken will take within the next four to twelve months. The Monitoring Officer may also include in the Forward Plan reference to such other decisions, which are to be taken by the Council or any of its Committees or Sub-Committee or Officers as they consider appropriate.
- 5.44 The Forward Plan will include the following information in respect of each Key Decision:
- (a) The matter in respect of which the decision is to be taken;
  - (b) The person or body by whom the decision is to be taken;
  - (c) The date on which, or the period within which, the decision is to be taken;
  - (d) A list of the documents which will be considered by the person or body taking the decision;
  - (e) Notice, if appropriate, that it is intended that a decision will be taken in a private session because the decision contains confidential or exempt information.
- 5.45 Where the Cabinet anticipate taking a Key Decision on a matter, and inclusion of the matter within the Forward Plan would disclose confidential or exempt information the Cabinet may limit the entry in the Forward Plan to such information as may be disclosed without disclosure provided that notice under Rule 5.43 (e) above has been given.
- 5.46 The Cabinet shall normally review and update the Forward Plan at least once in every calendar month, and shall make arrangements for the revised Forward Plan to be made available on the Council's website.

### **General Exception**

5.47 Subject to Rule 5.48 (special urgency) or Rule 5.489 (major emergencies) if a matter which is likely to be a Key Decision has not been published for a minimum of twenty-eight clear days on the Council's website, the decision may still be taken if:

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for twenty-eight clear days' notice to be given;
- (b) The Monitoring Officer has informed the relevant Scrutiny Committee Chair in advance in writing and made copies of that notice available to the public at the Council's offices and on the Council's website; and
- (c) At least five clear days have elapsed since the Monitoring Officer complied with (b) above.

### **Special Urgency**

5.48 If Rule 5.49 (major emergencies) below does not apply and, by virtue of the date by which a decision must be taken, Rule 5.47 (general exception) above cannot be followed, and the five clear days' notice of the decision cannot be given, then the decision can only be taken if the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. Notice in writing of the application to the Chair of the appropriate Scrutiny Committee must be published on the Council's website and copies made available to at the Council's offices. If there is no Chair of a relevant Select Committee, or if the Chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in their absence the Deputy Mayor will suffice.

### **Major Emergencies**

5.49 In the event of an emergency as listed below, the Leader may take any immediate urgent decision required without consultation. In the event that the Leader cannot be contacted or is unavailable the Deputy Leader may take any immediate urgent decision required without consultation. In the event that neither the Leader or the Deputy Leaders can be contacted, or are unavailable to act for any reason, the Chief Executive may take any immediate urgent decisions required without consultation. A major emergency is any event or circumstance (happening with or without warning) that causes or threatens:

- (a) Death or injury; or,
- (b) Disruption to the community; or,
- (c) Damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

### **Quarterly Reports on Special Urgency Decisions**

5.50 The Leader will submit quarterly reports to the Council on the Key Decisions taken in accordance with Rule 5.48 (special urgency) above and / or Rule 5.49 (major emergencies) above in the preceding three months. The report will include the number

of decisions so taken and a summary of the matters in respect of which those decisions were taken and the reasons for urgency.

### **Record of Executive Decisions**

- 5.51 After any meeting of the Cabinet, the Monitoring Officer, will produce a record of every executive decision taken at that meeting as soon as practicable. The record will include the decisions taken, the date the decisions were taken, a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting with the reasons. The record will also include any conflicts of interest declared in relation to a decision, detail whether the Monitoring Officer agreed to make a dispensation where a conflict of interest was declared before the decision was taken.
- 5.52 Where an individual Cabinet Member or Officer takes an executive decision under delegated authority the Monitoring Officer will produce a written record detailing the information specified in Rule 5.51 above.
- 5.53 A copy of a record produced in accordance with Rule 5.51 and Rule 5.52, and any report considered by the decision maker will be published on the Council's website and available at the Council's offices.
- 5.54 Nothing in these Rules 5.51 – 5.53 requires the disclosure of exempt or confidential information.

### **Provision of Reports to Scrutiny Committee**

- 5.55 On the provision of report in accordance with Rule 5.54 , the person who prepared the report will also provide give a copy of it to the Chair of the relevant Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time, provided that such reports do not contain confidential or exempt information.

### **Record of Individual Decisions**

- 5.56 As soon as reasonably practicable after any decision has been taken by a Cabinet Member, or an Executive Director or relevant senior Officer, which would be an executive decision if taken by a Cabinet Member, the decision maker will prepare, or instruct the Proper Officer to prepare, and publish, a record of the decision; and, as appropriate, a statement of the reasons for it and any alternative options considered and rejected. This does not require the disclosure of exempt or confidential information.

## **6. JOINT ARRANGEMENTS**

- 6.1 Southend-on-Sea City Council works with a wide range of organisations to promote the economic, social and environmental well-being of its residents and businesses. These arrangements can take a variety of forms including formal agreements, joint working, appointments, joint committees and cooperation with third parties.
- 6.2 The Council has entered into the joint authorities and joint committees set out below.

### **Joint Authorities**

- The Health and Wellbeing Board and related partnership arrangements;
- Southend Community Safety Partnership

### **Joint Committees**

- Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC);
- Rochford and Southend-on-Sea Area Action Plan Committee (re Airport)
- Essex Waste Partnership;
- Essex and Southend Joint Waste Project Board;
- South Essex Councils (SEC)

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