

## **PART 4(a)(iii) – PROCEDURAL RULES RELATING TO OVERVIEW & SCRUTINY COMMITTEES & HEALTH & WELLBEING BOARD**

### **Meetings of the Overview and Scrutiny Committees**

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

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

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

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

### **Quorum at Overview and Scrutiny Committee or Health & Wellbeing Board**

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

### **Duration of Meetings of Overview and Scrutiny Committees**

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

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

- 8. Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Overview and Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:
  - (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days<sup>1</sup> before the date of any Scrutiny Committee or Health & Wellbeing Board, ask any question relating to the business of the Committee or Board, provided that if it is a special meeting of

the Committee or Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.

- (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- (c) If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than one question may be asked by any one person at any one meeting.

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

- 9. Councillors shall alert the Chair that they wish to speak and, if two or more councillors do so, the Chair will select one of them to speak in which case all other councillors shall be silent.
- 10. When any councillor has been called to speak by the Chair, other councillors shall remain silent unless making a point of order or personal explanation.
- 11. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
- 12. The Chair may require an amendment to be written down and handed to him/her before it is discussed.
- 13. A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Chair shall call that councillor to order and may tell them to stop speaking.
- 14. A councillor may speak only: -
  - (a) on motions or amendments; or to ask or answer questions under Rules 13 and 14; or

- (b) to raise a point of order; or
- (c) to make a personal explanation, or
- (d) where the Chair gives permission to a councillor to speak.

15. The Chair may exercise of a right of reply and shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
16. When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

### **Voting in Overview and Scrutiny Committee or Health & Wellbeing Board**

17. Any matter at meetings in Overview and Scrutiny Committee or Health & Wellbeing Board shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
18. If at a meeting any councillor, supported by three other members may demand a recorded vote by raising their hand and saying “named vote”, prior to the Chair calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
19. Where immediately after a vote is taken by a show of hands, if any member so requires they can ask for their individual vote to be recorded.

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

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

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

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

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

### **Exclusion of Public**

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

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

26. Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee / Board in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to their place on each committee.
27. A member of a Committee / Board shall, if they wish a Substitute Councillor to attend a meeting of that Committee / Board in their place, give the Chief Executive written notice by sending an e-mail to [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the Substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
28. If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.
29. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee / Board for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee / Board for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak with the consent of the Chair
30. A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
31. The Chief Executive shall give notice of Committee / Board meetings in the usual way to all members of the Committee / Board and to all substitute Councillors.

### **Attendance at Overview and Scrutiny Committee or Health & Wellbeing Board**

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

### **Provisos**

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