

Public Document Pack

Southend-on-Sea City Council

Executive Director (Strategy and Change):

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02 February 2024

GENERAL PURPOSES COMMITTEE - TUESDAY, 6TH FEBRUARY, 2024 SUPPLEMENTARY PACK: ITEM 4 – STANDING ORDER: CHANGES TO COUNCIL MEETING PROCEDURES – APPENDICES B, C AND D

Please find enclosed, for consideration at the next meeting of the General Purposes Committee taking place on Tuesday, 6th February, 2024, Appendices B, C and D that were unavailable when the agenda was printed.

Agenda No	Item
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4	<u>Standing order - Changes to Council meeting procedures (Pages 3 - 22)</u>
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	Appendices B, C and D to the report of the Executive Director (Strategy and Change)
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Rob Harris
Principal Democratic Services Officer

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PROCEDURAL RULES RELATING TO CABINET, COMMITTEES AND SUB-COMMITTEES

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Meetings of the Cabinet

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

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

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

Meetings of Committees and sub-committees

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

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

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

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

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

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

Quorum at Committees

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

Quorum at Cabinet

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

Duration of Meetings of Cabinet, Committees and Sub-Committees

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

Public Participation in Respect of Development Control Committee

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

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

Rules of Debate for Cabinet, Committees and sub-committees

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

Voting in Cabinet, Committees and sub-committees

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

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

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

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

Disturbance by the Public at Cabinet Committees and sub-committees

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

Exclusion of Public from Cabinet, Committees and sub-committees

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

Substitute Councillors for Committees and sub-committees

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

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

Substitute Councillors for Cabinet

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

Attendance at Cabinet

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

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

Attendance at Committees and sub-committees

47. A Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if they:

- (a) are a member of the Committee or sub-committee (or duly appointed substitute); or
- (b) have been permitted by the Chair to speak; or
- (c) have placed the item on the agenda

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

Restrictions on attendance

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

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

51. Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned to Council for approval and shall not take effect until the next meeting of the Cabinet, Committee or sub-committee.

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

Meetings of the Overview and Scrutiny Committees

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

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

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

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

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

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

Quorum at Overview and Scrutiny Committee or Health & Wellbeing Board

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

Duration of Meetings of Overview and Scrutiny Committees

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

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

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

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

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

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

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

14. A councillor may speak only: -

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

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

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

Voting in Overview and Scrutiny Committee or Health & Wellbeing Board

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

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

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

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

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

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

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

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

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

Exclusion of Public

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

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

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

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

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

31. The Chief Executive shall give notice of Committee / Board meetings in the usual way to all members of the Committee / Board and to all substitute Councillors.

Attendance at Overview and Scrutiny Committee or Health & Wellbeing Board

32. A Councillor may attend a meeting of any Overview and Scrutiny Committee or Health & Wellbeing Board, but will only be entitled to speak on an item if they:

- (a) are a member of the Committee or Sub-Committee (or duly appointed substitute); or
- (b) have been permitted by the Chair to speak; or
- (c) have placed the item on the agenda

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

Provisos

34. A Councillor who attends a Overview and Scrutiny Committee or Health & Wellbeing Board, of which they are neither a member nor a duly appointed substitute, should sit apart from Committee Board members and shall only be entitled to speak for a maximum of 5 minutes on any item.

35. At meetings of the Overview and Scrutiny Committee or Health & Wellbeing Board these Procedural Rules shall not be suspended.

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

PROCEDURAL RULES RELATING TO WORKING PARTIES

Introduction

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

Meetings of the Working Party, Forum or Panel

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

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

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

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

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

Working Parties

5. There shall be 2 types of working party:

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

6. Cabinet Working Parties

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

7. Council Working Parties

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

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

Quorum at Working Parties

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

Rules of Debate

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

Voting in Working Parties, Forums and Panels

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

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

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

Councillor Conduct

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

Disturbance by the Public

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

Exclusion of Public

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

Substitute Councillors

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

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

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

Attendance at Working Party, Forums and Panels

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

Public Participation in Respect of Traffic Regulation Orders

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

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

Additional restrictions

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