

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

General Purposes Committee

Date: Thursday, 9th February, 2023

Time: 6.30 pm

Place: Committee Room 1 - Civic Suite

Contact: Robert Harris - Principal Committee Officer

Email: committeesection@southend.gov.uk

AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Wednesday, 5 October 2022**
- 4 Review of the Constitution** (Pages 3 - 50)
Report of Executive Director (Strategy, Change and Governance)
- 5 Exclusion of the Public**

To agree that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 6 Freedom of the City Nomination**
Confidential report of Executive Director (Strategy, Change and Governance) to follow

Chair & Members:

Cllr A Line (Chair), Cllr A Jones (Vice-Chair), Cllr J Courtenay, Cllr T Cox, Cllr M Dent, Cllr K Evans, Cllr D Jarvis, Cllr M Kelly and Cllr A Thompson

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of General Purposes Committee

Date: Wednesday, 5th October, 2022

Place: Council Chamber - Civic Suite

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Present: Councillor A Line (Chair)
Councillors A Jones (Vice-Chair), J Courtenay, T Cox, K Evans,
M Kelly, K Buck, *T Cowdrey and *P Wexham

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: R Harris, S Brown, C Gamble and G Gilbert

Start/End Time: 6.30 pm - 7.30 pm

329 Apologies for Absence

Apologies for absence were received from Councillors Dent (substitute: Cllr Cowdrey), Jarvis (substitute: Cllr Buck) and Thompson (substitute: Cllr Wexham).

330 Declarations of Interest

There were no declarations of interest at this meeting.

331 Constitution Review - Findings from Centre for Governance and Scrutiny

The Committee considered a report of the Chief Executive presenting the Centre for Governance and Scrutiny (CfGS) report containing recommendations on the next steps for the review and update of the Council's Constitution.

The Committee asked a number of questions which were responded to by officers.

Resolved:

1. That the contents of the submitted Centre for Governance and Scrutiny (CfGS) report, be noted.
2. That the redrafting of Council Procedure Rules, alongside the changes to the Scrutiny Procedure Rules (including pre-Cabinet Scrutiny) and a pilot scheme to be in place and trialled by February 2023, be endorsed.
3. That the General Purposes Committee act as a cross-party focus group for ongoing work.
4. That it be noted that the next step will be to agree a timetable and sequence for changes to the Constitution.
5. That an ongoing review of the Constitution as a whole be maintained in tandem with resolution 2 above and an update in this regard be brought before the next meeting of the General Purposes Committee.

Chair: _____

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Southend-on-Sea City Council

Report of Executive Director
(Strategy, Change & Governance)
To
General Purposes Committee
On
9th February 2023

Agenda
Item No.

4

Report prepared by: Giles Gilbert and Colin Gamble

Review of the Constitution

Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To present the revised Council Procedure Rules and the Overview and Scrutiny Procedure Rules for adoption by Council. The Rules have been reviewed following consultation with the political groups on the Council and the non-aligned Councillors and in the light of the feedback from the Informal meeting of the General Purposes Committee held on 16th January 2023. The report also presents the terms of reference for the Independent Remuneration Panel. In addition, the report deals with the appointment of Deputy Electoral Registration Officers.

2. Recommendations

That General Purposes Committee recommend to Council:

2.1 That the revised Overview and Scrutiny Procedure Rules and Council Procedure Rules (Appendices A and B) be adopted for implementation at the beginning of the Municipal Year 2023/24

2.2 That the Terms of Reference for the Independent Remuneration Panel (Appendix C), be approved.

2.3 That the Electoral Registration Officer (ERO) be authorised to appoint Deputy Electoral Registration Officers to carry out his powers and duties either in full or part in accordance with section 52(2) of the Representation of the People Act 1983

2.4 That the Council's Constitution be amended accordingly (to include the transfer of the relevant provisions in the existing Council Procedure Rules to other parts of the Constitution as appropriate).

3. Background

3.1 At the last meeting of the General Purposes Committee held on 5th October 2022, it was agreed that the first part of the review of the Constitution should focus on the Council Procedure Rules to be considered alongside the Overview and Scrutiny Procedure Rules. The Overview and Scrutiny Procedure Rules and the Council Procedures Rules have been redrafted following consultation with the political groups and the non-aligned councillors and in the light of the feedback from the Informal meeting of the General Purposes Committee held on 16th January 2023. The revised Rules are set out at Appendices A and B to this report.

Overview and Scrutiny Procedure Rules

3.2 The report of the Centre for Governance and Scrutiny (CfGS), noted at the last meeting of the Committee, proposed a revised approach to scrutiny involving the increased use of pre-decision scrutiny. The report emphasized that this should lead to scrutiny more clearly demonstrating added value through the work carried out, and result in a significant reduction in the number of call-ins. The benefits of the earlier use of scrutiny were also recognised in the constitution review report produced by Bevan Brittan (considered by the General Purposes Committee, 21 July 2021) which considered that this could assist in building stronger relationships between the Executive and the rest of the Council, besides reducing the frequency of call-ins.

3.3 At the Informal meeting of the General Purposes Committee, it was considered that it would be helpful for some guidance to be produced on how the pre-decision scrutiny process would operate. The guidance has been drafted and included as part of the Overview and Scrutiny Procedure Rules.

3.4 Both the above-mentioned reports highlighted that the call-in provisions are not subject to any limitations and should be addressed as part of the constitution review. The proposed revisions to the Overview and Scrutiny Procedure Rules include the following provisions which should strengthen the current arrangements:

- The completion of a form for all decisions proposed to be called-in
- Prior to the scrutiny committee, a meeting to be held with the lead councillor responsible for calling-in a decision (with the other two signatories to the call-in request to be invited), the relevant Cabinet member, and the chair of the committee to discuss the issue
- The lead councillor to submit an outline case to be presented to the committee together with any supporting evidence not less than three working days before the date of the meeting.

3.5 The proposed Overview and Scrutiny Procedure Rules are set out at Appendix A.

Council Procedure Rules

- 3.6. The reports by the CfGS and Bevan Brittan also referred to some longstanding provisions in the Council Procedure Rules which were considered to be in need of review. In particular, the reports drew attention to the reservation of minutes (standing order 7) which most local authorities had not carried out since the introduction of the new governance arrangements in 2000. This practice was felt to be unnecessary and led to duplication of work.
- 3.7 Another unusual practice identified in both reports is the arrangement which allows councillors to 'refer up' matters from the scrutiny committees to Council (standing order 39) for further consideration. This provision was also felt to be unnecessary as it delays effective decision-making and undermines the work of the committees.
- 3.8 By removing standing orders 7 and 39, there is scope to make changes to the Rules to provide more opportunity for debate on motions of relevance to the city. A new provision on Notices of Motion (requiring advance notice) is proposed which would allow motions to be debated rather than simply being referred, without debate, to the relevant Cabinet Working Party. The removal of the provision on Opposition Business would also allow more time for debate on motions.
- 3.9 Other changes to the Council Procedure Rules include:
- Giving the Mayor an opportunity to provide an update on his or her activities during the Municipal Year
 - Providing the Leader with an opportunity to make a speech on the main areas of the work of the Cabinet. Opposition group(s) and Non-Aligned councillors to have the opportunity to respond
 - Strengthening the question provisions (public and councillors) by granting express powers to the Monitoring Officer to reject questions where those questions are considered to be out of order, illegal, irregular or improper
 - Improving the format and flow of the Rules by removing information that is better placed in other parts of the Constitution and changing the order of some of the provisions.
- 3.10 The proposed Council Procedure Rules are attached at Appendix B.

Independent Remuneration Panel

- 3.11 Since 2007 Southend has shared a Joint Independent Remuneration Panel with Thurrock Council to review Members' Allowances and has met on the following occasions: June 2007, August 2010, June 2011, June 2015 and June 2019. Thurrock Council has recently notified this Council of its decision to end the joint arrangements and establish a new Independent Panel solely for that Authority. Therefore, the terms of reference for the Panel have been amended to reflect that Southend will not be working in collaboration with Thurrock Council in undertaking a review of Members' Allowances.

- 3.12 The revised terms of reference for the Southend Independent Remuneration Panel are set out at Appendix C.

Electoral Registration Officer – Delegation of Powers

- 3.13 Under Section 8(2) of the Representation Act 1983, the Council must appoint an Electoral Registration Officer (ERO) to be responsible for compiling and maintaining the register of electors. This statutory post is held by the Chief Executive.
- 3.14 By virtue of Section 52(2) of the 1983 Act, the Council can appoint Deputy Electoral Registration Officers (DERO). The Council can also formally delegate the appointment of DEROs to the ERO. In accordance with the Electoral Commission guidance, and to ensure that there are officers available to discharge the electoral registration functions, it would be prudent to make arrangements for the ERO to be able to delegate his powers and duties.
- 3.15 It is therefore recommended that the ERO is given delegated authority to appoint other Council officers to carry out his powers and duties either in full or in part in accordance with provisions of the 1983 Act.

4. Other Options

- 4.1 The Committee could reconsider their previous recommendation and decide that a review of the Constitution is not necessary. However, this would mean losing an opportunity to enable councillors to consider ways to improve the Council's decision-making processes, as well as a loss to the investment already undertaken in this work.

5. Reasons for Recommendations

- 5.1 To ensure that the Council's Constitution is accurate and fit for purpose to effectively support the service delivery and decision-making responsibilities of the Council in a lawful manner.

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

This work supports the Council's condition for 'simple and effective governance', as well as to build an agile, collaborative and skilled workforce equipped to deliver Southend 2050 and the new Corporate Plan. The review complements work to improve effective working relationships between councillors and officers, which in turn enables more understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

- 6.2 Financial Implications

There are no specific financial implications associated with this report. Improved decision-making processes will help enhance the efficiency and effectiveness and, therefore, the value for money achieved by the Council.

6.3 Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The documents described in the report and set out as appendices form part of the Constitution.

6.4 People Implications

The review aims to contribute to the effective working relations between councillors and officers to help underpin the work to embed the Council's values and behaviours. However, no specific people implications are noted in relation to this report.

6.5 Consultation

Following the last meeting of the General Purposes Committee consultation with councillors was undertaken and the feedback has been taken into account in reviewing the consultation documentation (Council Procedure Rules and Overview and Scrutiny Procedure Rules).

6.6 Equalities and Diversity Implications

Revisions to the Constitution will reflect the Council's approach to equality and inclusivity, including the use of gender-neutral language.

7. **Appendices**

Appendix A – Overview and Scrutiny Procedure Rules

Appendix B – Council Procedure Rules

Appendix C – Terms of Reference – Independent Remuneration Panel

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

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

Introduction

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

1. Interpretation

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

2. Meetings of the Council

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

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

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

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

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

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

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

- 2.6 At a meeting of the Council the Mayor, if present, shall preside.

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

3. Annual Council – Appointment of Mayor and Deputy Mayor

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

4. Appointments at Special Council Following Annual Council

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

5. Ordinary Meetings

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
 - f) Receive any announcements from the Chief Executive;
 - g) deal with any business required by law;
 - h) receive questions from, and provide answers to, the public in accordance with Rule 13 below (limited to 30 minutes);
 - i) receive questions from, and provide answers to, councillors in accordance with Rule 14 below (limited to 30 minutes);

- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 19;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

6. Council Tax Setting Meeting

- 6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor;
 - f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 13 below (limited to 30 minutes);
 - g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 14 below (limited to 30 minutes);
 - h) consider proposals from the Leader in relation to the Council's budget;
 - i) recorded vote on the Council's budget;
 - j) set the council tax.

7. Extraordinary Meetings

- 7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.
- 7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.
- 7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.
- 7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor (or person presiding) may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

8. Council Quorum

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

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

- 9.1 Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.
- 9.2 The Quorum in respect of the Cabinet, Working Parties, Forums, Panels and other bodies shall be as set out in the Constitution and Terms of Reference of Cabinet, Committees etc. (Part 3 – Schedule 2).

10. Duration of meetings of Council

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

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

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

12. Mayor's Speech

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

13. Residents' Question Time

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

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

- d) There shall be no speech or discussion allowed on any question or reply.
- e) Not more than two questions may be asked by any one person at any one meeting.
- f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

14. Councillors' Questions

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

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

- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
 - (i) Questions are submitted in writing to the Committee Section (committeesection@southend.gov.uk) not later than 5 clear working days¹ before the date of the meeting.
 - (ii) Questions do not exceed 150 words in length; and
 - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
- b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
- c) The question put by a councillor and the answer shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then his or her question may be dealt with orally.
- d) No discussion shall take place on any question or answer.
- e) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
- f) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if he or she considers that it is inappropriate.
- g) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
- h) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.
- i) If the councillor asking the question is not present at the meeting, the question and answer shall be circulated in writing to councillors.

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

15. Leader's Speech

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

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

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

- (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days¹ before the date of any Scrutiny Committee / Health & Wellbeing Board, ask any question relating to the business of the Committee / Board, provided that if it is a special meeting of the Committee / Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.
- (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 he / she shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than one question may be asked by any one person at any one meeting.

17. Public Participation in Respect of Planning Applications

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

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

18. Public Participation in Respect of Traffic Regulation Orders¹

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

¹ **Note:** This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.

19. Presentation of Petitions

- 19.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 19.2 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least 12 clear working days¹ before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).
- 19.3 A petition can be presented at Council if:
- (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
 - (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
 - (c) It asks for action to be taken or ceased.
- 19.4 A petition shall not be presented at Council if:
- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
 - (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
 - (c) It criticises the conduct of a named individual;
 - (d) It is vexatious or abusive or otherwise inappropriate;
 - (e) It is identical or similar to a petition submitted in the past 6 months; or
 - (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.
- 19.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.
- 19.6 Petitions shall be presented in the order in which notice of them is received by the Committee Section.
- 19.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

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

20 Motions on Notice

- 20.1 Except for motions which can be moved without notice under Rule 21, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day¹ before the date of the Council meeting. Any amendments to a motion must be submitted to the Chief Executive at least 24 hours before the Council meeting.
- 20.2 The Monitoring Officer may reject a motion if it:
- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.
- 20.3 Motions on Notice will be included on the agenda in the order that they are received.
- 20.4 No councillor shall move more than one Motion on Notice at the same meeting.
- 20.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.
- 20.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion (or amended motion), it will be referred to Cabinet for decision.
- 20.7 If a subject matter of the motion falls within the remit of full Council, the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).
- 20.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule 10.4
- 20.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, he or she may do so with the consent of the seconder.
- 20.10 For the avoidance of doubt there will be no provisions for questions.
- 20.11 Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

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

21. Motions without notice

21.1 The following motions may be moved without notice:

- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or councillor arising from an item on the summons for the meeting;
- f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
- g) to withdraw a motion;
- h) to amend a motion or recommendation;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to extend the time limit of speeches;
- l) that the meeting or debate or motion be adjourned;
- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 10);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

22. General Limitations to all Motions

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

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- b) An amendment shall be relevant to the motion and shall be either to:
 - (i) leave out words;
 - (ii) leave out words and insert or add others;
 - (iii) insert or add words;
 - (iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-considerationas long as the effect of (i) to (iii) is not, in the opinion of the Mayor, to negate the motion or materially change the content or purpose of the motion. Where the proposer of an amendment is unsure whether the amendment complies with the above Rule, they are to seek the early views of the Monitoring Officer before the amendment is formally submitted.
- c) In relation to motions without notice (Rule 21), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.

- d) The Mayor will allow such time as he or she considers appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.
- e) The right of reply shall not extend to the mover of any amendment.
- f) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.

23. Rules of Debate

- 23.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.
- 23.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.
- 23.3 Whenever the Mayor speaks or rises from his or her chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
- 23.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an amendment to be written down and handed to him/her before it is discussed.
- 23.5 No speech may exceed 4 minutes without the consent of the Mayor except:
- a) At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out his or her priorities or to propose the Budget.
 - b) The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.
- 23.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell him or her to stop speaking.
- 23.7 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 Mayor gives permission to a councillor to speak.
- 23.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -
- a) the proposer of a motion who has a right of reply to the unamended motion / amended motion;
 - b) a councillor may speak on a proposal to amend a motion on which he or she has already spoken.
- 23.9 In the exercise of a right of reply, a councillor shall confine his or her 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.

- 23.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.
- 23.11 When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 23.12 Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if he or she is satisfied that this is the case.
- 23.13 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

24. Points of Order and Personal Explanation

- 24.1 A councillor may at any time raise a point of order but when so doing he or she shall specify the particular Rule or statutory provision which he or she alleges has been breached or on which he or she otherwise relies, specifying in the case of a Rule the number and the relevant paragraph and the way in which he considers it has been breached.
- 24.2 Any councillor speaking at the time a point of order is raised, shall fall silent.
- 24.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.
- 24.4 A personal explanation may only be made by a councillor who –
- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement he or she has made; or
 - b) wishes to correct a statement made about him or her by the person then speaking; or
 - c) wishes to correct a misquotation by the person then speaking of facts originally put by him or her earlier in the debate.
- 24.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

25 Voting in Council Meetings

- 25.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by a show of hands (or where

practical, by electronic means). Subject to Rule 25.2, each councillor entitled to vote shall have one vote.

- 25.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at his or her discretion.
- 25.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast his or her vote for or against the matter before the Council or whether he or she abstained from voting.
- 25.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept. The procedure for such a vote is set out in 25.6.
- 25.5 In addition to Rule 25.4, if at a meeting any councillor supported by six other councillors present demand a recorded vote by saying “named vote”, prior to the Mayor calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
- 25.6 The procedure for a recorded vote shall be as follows:
- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
 - b) Each councillor shall answer “For”, “Against” or “Not Voting”.
 - c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.
- 25.7 Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

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

- 26.1 Any matter at meetings in Cabinet, Committee, Working Party, Forums, Panels and other bodies shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting but on the request of any member, supported in the case of the Cabinet or Committee by three other members and in the case of a Working Party, Forum, Panel or body by one other member who signify their support before the vote is taken, the voting on such question shall be by word of mouth and shall be recorded so as to show how each member present and voting gave his vote or abstained from voting.
- 26.2 Where immediately after a vote is taken by a show of hands, if any member so requires there shall be recorded in the Minutes of the proceedings of that meeting how that member gave his/her vote or whether he or she abstained from voting.

27. Councillor's Conduct

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

28. Disturbance by the Public

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

29. Exclusion of Public

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

30. Substitute Councillors

- 30.1 Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to his or her place on each committee.
- 30.2 A member of a Committee shall, if he / she wishes a Substitute Councillor to attend a meeting of that Committee in his / her 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 he / she is unable to attend and that the Substitute Councillor named in the substitution notice will attend in his / her place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
- 30.3 If a Councillor is indisposed, then he or she may give written notice to the Chief Executive that for a specified period of time his or her Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on his / her behalf. In such circumstances the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

- 30.4 The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting he / she shall do so as an observer only, but may be permitted to speak in accordance with Standing Order 34.2.
- 30.5 A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
- 30.6 The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all Substitute Councillors.
- 30.7 These arrangements shall apply in the same way in respect of Sub-Committees, Working Parties, Forums, Panels, and other bodies but not the Cabinet or Cabinet Committee which are regulated by Rule 30.8.
- 30.8 The Leader shall appoint a substitute for each of the Cabinet Members in order to cover his / her portfolio in the event he or she is absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

31. Meetings of the Cabinet

31.1 In respect of any meeting of the Cabinet:

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

32. Meetings of Committees and Working Parties, etc

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

- (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) Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee, Sub-Committee or Working Party, provided:
 - It is relevant to the business of that Committee, Sub-Committee or Working Party;
 - 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.

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

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

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

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

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

33. Working Parties

33.1 There shall be 2 types of working party:

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

Cabinet Working Parties

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

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

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

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

Council Working Parties

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

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

- Each Council Working Party shall be appointed by the Council.
- The Council will appoint the Chair and Vice-Chair of all Council Working Parties.
- A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.
- Council Working Parties shall report to the Council, either directly or through a Committee.

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

Cabinet

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

- (a) is a Cabinet Member; or
- (b) has been permitted by the Chair to speak.

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

Committees and Sub-Committees

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

- (a) is a member of the Committee or Sub-Committee (or duly appointed substitute);
or
- (b) has been permitted by the Chair to speak; or
- (c) has placed the item on the agenda under Rule 32.1(d) (but calling in an item is not sufficient); or

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

Provisos

- (a) A Councillor may not attend a meeting of a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals and education appeals unless he / she is a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
- (b) A Councillor who attends a Committee or Sub-Committee, of which he or she is 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.

Working Parties, Panels & Forums Meeting in Public

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

- (a) is a member of the Working Party / Panel / Forum (or duly appointed substitute);
or
- (b) has been permitted by the Chair to speak; or
- (c) has placed the item on the agenda under Standing Order 32.1(d)

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

Proviso

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.

Working Parties, Panels & Forums Meeting in Private

- 34.4 Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the proviso set out below, a Councillor may attend a meeting of a Working Party / Panel / Forum meeting in private but only if he / she:
- (a) is a member of the Working Party / Panel / Forum; or
 - (b) has been permitted by the Chair to attend; or
 - (c) has placed an item on the agenda under Standing Order 32.1(d), in which case the Councillor can be present for that item and shall have the right to speak; or
 - (d) can demonstrate a 'need to know' in respect of an item, in which case the Councillor can be present for that item, but has no right to speak.

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

Proviso

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.

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

- 35.1 The following Standing Orders of the Council shall also apply to Cabinet, Committees, etc. as indicated:
- 23. Rules of debate, except those that relate to length of speeches (23.5), speaking more than once (23.8) (Cabinet and Committees).
 - 25.7. Voting on appointments (Cabinet and Committees).
 - 27/28. Disorderly conduct (Cabinet and Committees).
 - 29. Power to exclude the public (Cabinet and Committees).

36. Suspension and Amendment of Council Rules

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

- 36.2 At meetings of the Cabinet, Committees, Working Parties, Forums, Panels and other bodies Procedural Rules shall not be suspended.
- 36.3 Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Part 4(e) – Overview & Scrutiny Procedure Rules

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Part 4 (e) – Overview and Scrutiny Procedure Rules

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

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

2. Who may sit on the Scrutiny Committee

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

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

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

3. Meetings of the Scrutiny Committee

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

4. Quorum

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

5. Who chairs the Scrutiny Committee?

Chairs and vice chairs of the scrutiny committees will be drawn from among the opposition Councillors sitting on the committee.

6. Work programme

The scrutiny committees will be responsible for setting their own work programme (having due regard to Council resources) and in doing so they

shall consider the wishes of members on that committee. The work programme should include requests from the Council and the Cabinet for advice. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee. Appendices 2 and 3 provides guidance on setting a work programme.

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

7. Agenda items

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

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

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

8. Policy review and development

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

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.

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

9. Reports from the Scrutiny Committee

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

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

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

10 Making sure that scrutiny reports are considered by the Cabinet

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

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

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

11. Rights of Scrutiny Committee members to documents

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

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

12. Councillors and officers giving account

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

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

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

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

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

13. Attendance by others

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

14. Call-in

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

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

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

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

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

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

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

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

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

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

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

If the call-in is valid:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Call-In and Urgency

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

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

16. Procedure at Scrutiny Committee meetings

Scrutiny committees shall consider the following business:

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

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

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

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

Appendix 1

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

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

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

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

Reasons for call in:

Names

1.
2.
3.

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

Scrutiny work programme

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

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

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

Issues suitable for scrutiny

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

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

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

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

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

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

It will be important for members to:

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

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

PRE-DECISION SCRUTINY

What is pre-decision scrutiny?

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

What pre-decision scrutiny is not

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

Who undertakes pre-decision scrutiny?

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

Impact on work plans

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

Impact on the Executive

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

The process

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

Identification / Selection

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

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

Notification

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

Inclusion in Work Plan

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

Consideration

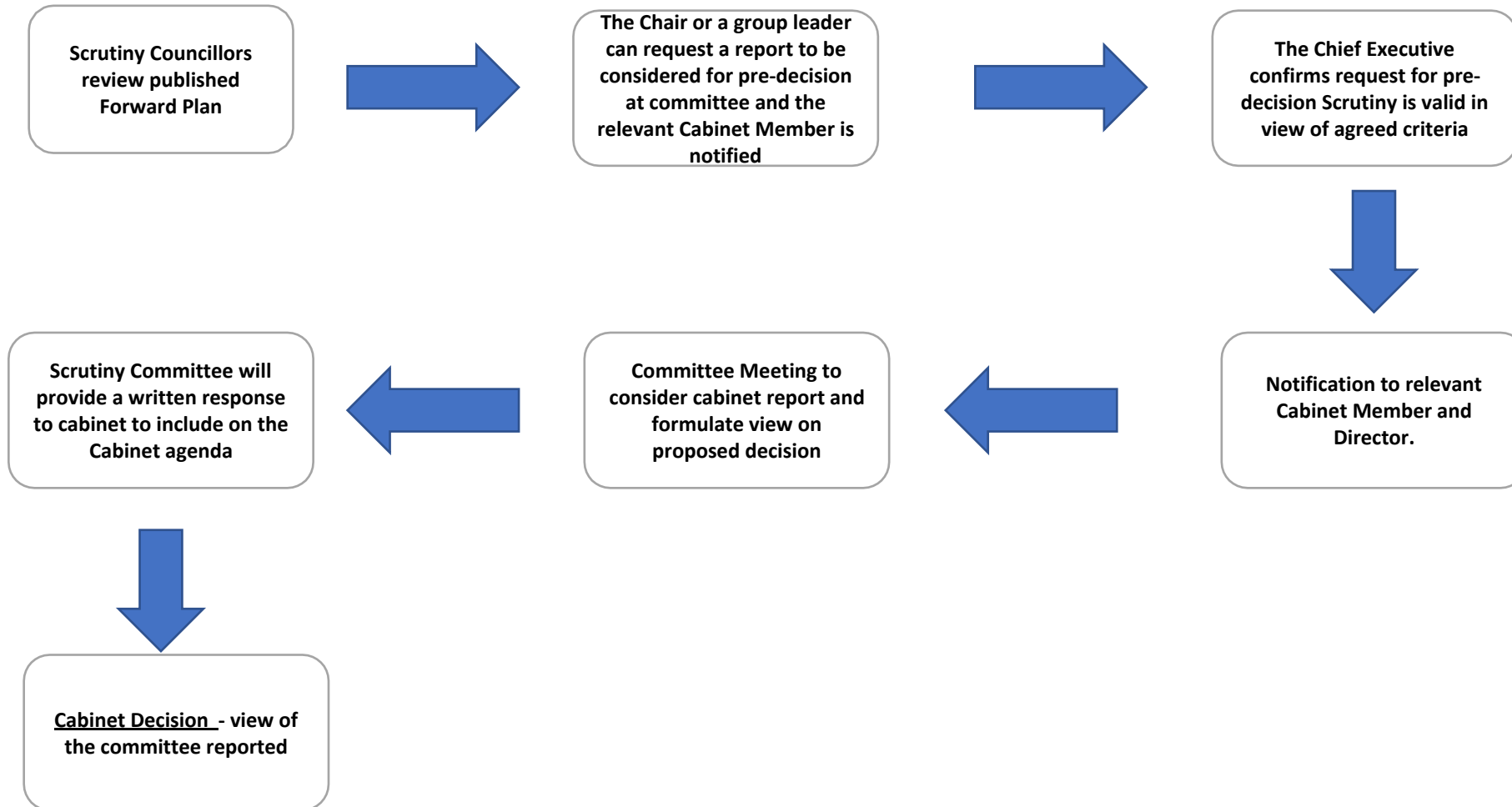
22. Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice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

Decision

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

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

Pre-decision scrutiny



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9.4 Independent Remuneration Panel

9.4.1 Introduction

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

9.4.2 Membership

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

9.4.3 Quorum

3

9.4.4 Terms of Reference

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

9.4.5 Reports of the Panel

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

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