

## 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 their 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 their 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 their 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 they are 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 they are appointing as Deputy Leader of the Council;
  - c) receive notice from the Leader of the Council they are 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 their 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 their discretion, suspend the meeting for such period of time that they consider 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**

- 12.1 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**

- 13.1 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.
- 13.2 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](mailto:committeesection@southend.gov.uk)) not later than 12.00 hrs, 9 clear working<sup>1</sup> 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.

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<sup>1</sup> 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](mailto:committeesection@southend.gov.uk)) not later than 5 clear working days<sup>1</sup> 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 their 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 they consider 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.

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## **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 days<sup>1</sup> 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, they shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than one question may be asked by any one person at any one meeting.

## **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, they 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 Orders<sup>1</sup>**

- (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. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.
- (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.

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<sup>1</sup> **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](mailto:committeesection@southend.gov.uk)) at least 12 clear working days<sup>1</sup> 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.

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<sup>1</sup> 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 day<sup>1</sup> 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, they 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.

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<sup>1</sup> 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 they consider 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 their 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 their 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 them 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 they have already spoken.
- 23.9 In the exercise of a right of reply, a councillor shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.

- 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 they are 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, they shall specify the particular Rule or statutory provision which they allege has been breached or on which they otherwise rely, specifying in the case of a Rule the number and the relevant paragraph and the way in which they consider 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 they have made; or
  - b) wishes to correct a statement made about them by the person then speaking; or
  - c) wishes to correct a misquotation by the person then speaking of facts originally put by them 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 their 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 their vote for or against the matter before the Council or whether they 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 raising their hand and 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. If at a meeting any councillor, 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, demand a recorded vote by raising their hand and saying “named vote”, prior to the Chair calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
- 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 they 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 they think 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 their place on each committee.
- 30.2 A member of a Committee shall, if they wish a Substitute Councillor to attend a meeting of that Committee in their place, give the Chief Executive written notice by sending an e-mail to [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) no later than 3 hours before the time fixed for the meeting that they are unable to attend and that the Substitute Councillor named in the substitution notice will attend in their place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
- 30.3 If a Councillor is indisposed, then they may give written notice to the Chief Executive that for a specified period of time their Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on their behalf. In such circumstances, the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.



- 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 they 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 their portfolio in the event they are absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

## **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 they:

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

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

#### 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 they:

- (a) are a member of the Committee or Sub-Committee (or duly appointed substitute);  
or
- (b) have been permitted by the Chair to speak; or
- (c) have placed the item on the agenda 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 they are 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 they are neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

#### 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 they:

- (a) are a member of the Working Party / Panel / Forum (or duly appointed substitute);  
or
- (b) have been permitted by the Chair to speak; or
- (c) have 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 they are 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 they:

- (a) are a member of the Working Party / Panel / Forum; or
- (b) have been permitted by the Chair to attend; or
- (c) have 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 they are 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.