

PROCEDURAL RULES RELATING TO CABINET, COMMITTEES AND SUB-COMMITTEES

Meetings of the Cabinet

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

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

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

Meetings of Committees and sub-committees

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

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

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

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

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

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

Quorum at Committees

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

Quorum at Cabinet

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

Duration of Meetings of Cabinet, Committees and Sub-Committees

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

Public Participation in Respect of Development Control Committee

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

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

Rules of Debate for Cabinet, Committees and sub-committees

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

Voting in Cabinet, Committees and sub-committees

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

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

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

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

Disturbance by the Public at Cabinet Committees and sub-committees

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

Exclusion of Public from Cabinet, Committees and sub-committees

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

Substitute Councillors for Committees and sub-committees

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

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

Substitute Councillors for Cabinet

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

Attendance at Cabinet

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

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

Attendance at Committees and sub-committees

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

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

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

Restrictions on attendance

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

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

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