

**PART 3. COMMITTEES**

**Section**

1. Committee Structure
2. Committee Procedure Rules
3. Planning Committee Procedure Rules
4. [Licensing Sub-committee Procedure Rules]
5. Planning Committee and Terms of Reference
6. Licensing Committee and Terms of Reference
7. Standards Committee and Terms of Reference
8. Audit and Governance Committee and Terms of Reference
9. General Purpose Committee
10. Health and Wellbeing Board Committee and Terms of Reference
11. Senior Appointments and Disciplinary Committee and Terms of Reference

## **1. COMMITTEE STRUCTURE**

1.1 The Council has decided that certain non-executive functions which are not reserved to full Council will be the responsibility of the following Committees:

- (a) Planning Committee
- (b) Licensing Committee
- (c) Standards Committee
- (d) Audit and Governance Committee
- (e) General Purpose Committee
- (f) Health and Wellbeing Committee
- (g) Senior Appointments and Disciplinary Committee

Officers are able to take decisions in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.

1.2 The committee structure, its terms of reference and seats for each committee is approved by full Council at the Annual Meeting, with the allocation of those seats dealt with outside of the meeting. Unless a Committee is subject to particular rules on its composition, the composition of a Committee must be politically proportionate and to the extent possible reflect the size of the Political Groups which make up the Council as a whole.

1.3 Each Committee is subject to the Committee Procedure Rules set out below at Section 2 and the Access to Information Procedure Rules set out under Part 1 this Constitution. The Planning Committee and has its own rules set out below under Section 3. Sub-committees of the Licensing Committee and the Standards Committee have their own rules as set out elsewhere in this Constitution. If circumstances arise which are not covered by the Committee Procedure Rules or such other rules as apply to a particular Committee, the Council Procedure Rules set out under Part 2 of this Constitution shall apply to those circumstances.

1.4 Committees carry out their functions in accordance with their terms of reference as set out below.

1.5 Unless prohibited from doing so under the law or this Constitution, Committees may delegate their functions and powers to sub-committees, and may also delegate functions and powers to officers.

### **Working Groups**

1.6 The Council, Cabinet or any Committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work. Working groups have no formal decision making responsibilities but may provide advice or recommendations. A list of the working groups is maintained by the Council's Democratic Services team.

## **2. THE COMMITTEE PROCEDURE RULES**

### **Purpose and Application**

- 2.1 These Committee Procedure Rules (the Rules) apply to all Council Committees and their sub-committees unless specified otherwise elsewhere in this Constitution, and govern the conduct of meetings of the Committees. These Rules must be read in conjunction with the Access to Information Procedure Rules set out under Part 1 of this Constitution.
- 2.2 Meetings of the Planning Committee and the sub-committees of the Licensing Committee and Standards Committee are subject to their own rules and procedures as set out below under Section 3, 7 and elsewhere in this Constitution.

### **Time and Place of Committee Meetings**

- 2.3 Full Council shall agree a schedule of Committee meetings at its Annual Meeting.
- 2.4 Additional Committee meetings may be held with the agreement of the Committee Chair taking advice from the Monitoring Officer, and only where there are items of business which can reasonably be deferred to the next scheduled meeting of the Committee.
- 2.5 The Proper Officer will notify the time and place of Committee meetings in the summons.
- 2.6 The summons will also specify the business to be transacted and will be accompanied by such reports as are available.
- 2.7 Committee meetings will take place at the Civic Centre or such other venue at the time specified in the summons.

### **Committee Chairs and Vice Chairs**

- 2.8 Full Council will appoint Committee Chairs and Vice Chairs at its Annual Meeting.
- 2.9 Vacancies in either office will be filled at the next meeting of full Council, including, if held, an Extraordinary Meeting of the Council.
- 2.10 The Chair must chair a Committee meeting if present.
- 2.11 If the Chair is absent from a meeting, the Vice Chair must chair the meeting if present.
- 2.12 If neither the Chair nor Vice Chair is present, the Committee shall appoint a councillor to Chair the meeting as the first item of business.
- 2.13 The Chair of the meeting must Chair in accordance with these Rules and the Constitution and where necessary taking advice from the Democratic Services Officer and / or legal advisor present.
- 2.14 The Chair shall exercise a casting vote in Committee meetings on any item of business in respect of which there is an equality of votes for and against.

## **Committee Membership**

- 2.15 Full Council will resolve what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall comprise.
- 2.16 Full Council will also confirm the political proportionality required for each committee with the Group Leader or individual independent councillors agreeing the appointment.

## **Committee Meeting Agendas**

- 2.17 Meetings will have an agenda similar to the example listed below:
- (a) To elect a councillor to preside at the meeting in the absence of both the Chair and Vice Chair;
  - (b) To approve the minutes of the previous meeting;
  - (c) To receive any declarations of interest from councillors;
  - (d) To receive referrals from full Council, the Cabinet or other Committees;
  - (e) To receive reports, if any, from officers, the Cabinet, and / or other Committees;
  - (f) To deal with any outstanding business from the last meeting;
  - (g) To consider any other business specified in the summons to the meeting.
- 2.18 A Committee meeting may not consider any business not included in the summons unless the Chair agrees to accept a late item on grounds of urgency and those reasons are recorded in the minutes.

## **Quorum**

- 2.19 The quorum of a meeting shall be one quarter of the Committee membership eligible to vote or the nearest whole number above one quarter subject to a minimum quorum of three councillors.
- 2.20 If the Chair counts the number of councillors present at a meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to fifteen minutes to allow a quorum to be present (and the Chair may allow more than one adjournment up to a total period of fifteen minutes).

If after a period of fifteen minutes there is still no quorum, the Chair shall close the meeting and any remaining business will be considered at the next ordinary meeting of the Committee or at a time and date fixed by the Chair.

## **Substitutes**

- 2.21 Subject to the provisions of this Rule 2.21 to Rule 2.25 any councillor may act as a substitute for another councillor if they are from the same Political Group at a Committee Meeting.
- 2.22 The purpose of substitutes is to maintain the quorum and political proportionality of Committee a substitute and should only be used when the usual Committee member is unable to attend a meeting by reason of illness, leave or other good reason.

- 2.23 Substitute councillors must have undertaken any training that is a requirement for membership of the relevant Committee to be able to sit.
- 2.24 Where the Chair is substituted, the Vice Chair will chair the meeting if present.
- 2.25 Where both the Chair and the Vice Chair are substituted, the meeting will elect a councillor from those present and entitled to vote to preside at the meeting.

### **Substitution Procedure**

- 2.26 The relevant councillor must notify their Group Leader and Democratic Services in writing of the proposed substitution (including the name of the substitute) as soon as possible and in advance of the relevant meeting.
- 2.27 In cases of urgency, verbal notification may be provided to Democratic Services with confirmation in writing. (If notification is provided at the meeting itself, it must be made before the meeting starts and to the Democratic Services Officer present and supporting the meeting).
- 2.28 The relevant Group Leader may change a substitution if the notice requirements above are complied with before the start of the relevant meeting, including to revert to attendance by the usual committee member.

### **Limitations**

- 2.29 Substitute councillors must be appointed for the whole of a committee meeting and the usual committee member has no right to attend the meeting as a committee member.
- 2.30 If a substitute councillor attends a meeting of the Planning Committee or a hearing sub-committee of the Licensing Committee or Standards Committee, and an agenda item is part considered and the meeting adjourned to consider the matter at a later date, the substitute councillor must attend the subsequent meeting to consider and determine that item.
- 2.31 Cabinet members may not be substitutes on Council Committees or the Overview and Scrutiny Committees or the Audit and Governance Committee.
- 2.32 Non-cabinet members may not substitute on the Cabinet or Cabinet sub-committees.

### **Duration of Committee Meetings**

- 2.33 The business of a Committee Meeting should be concluded within three hours (including any period of adjournment or otherwise).

### **Extension of a Committee Meeting after Three Hours**

- 2.34 If the business of any meeting has not been concluded within three hours (including any period of adjournment or otherwise), the Chair may adjourn, extend the meeting, for up to thirty minutes, or call for an immediate vote on the item under discussion.
- 2.35 If the Chair calls for an immediate vote pursuant to Rule 234 the vote will be taken in the usual way without any further discussion. An adjournment may require the items not dealt with to be on the agenda for the next scheduled meeting or an extraordinary meeting will be called.

- 2.36 A councillor may move that the length of the meeting is extended by up to thirty minutes if:
- (a) The motion is moved before the expiry of three hours from the start of the meeting;
  - (b) Is seconded and agreed by the Committee without debate.
- 2.37 Only one motion to extend the length of the meeting may be moved and the Chair may put to the vote a different period of extension to that moved but no longer than thirty minutes to ensure the effective and timely conduct of Committee business.
- 2.38 When all the business on the meeting agenda is completed, the Chair will close the meeting.

### **Voting at Committee Meetings**

- 2.39 Unless provided otherwise elsewhere in this Constitution, any matter will be decided by a simple majority of those councillors present in the room at the time the question is put and eligible to vote on the matter.
- 2.40 Only councillors may vote, except where the terms of reference of a Committee allow for voting by non-elected Committee members.
- 2.41 Unless a recorded vote is required by law or is validly demanded the Chair will take the vote by electronic means or a show of hands.
- 2.42 If there is an equality of votes for and against on any matter, the Chair shall have a casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

### **Recorded Vote**

- 2.43 If three councillors present at the meeting demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 2.44 The Democratic Services Officer present will call out councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.
- 2.45 In the event of an equality of votes on a recorded vote, the Chair will have a casting vote which will be recorded.

### **Right to Require Individual Vote to be Recorded**

- 2.46 Where immediately after a vote is taken, a councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against a decision or abstained from voting.

### **Rules of Debate**

- 2.47 Committees are intended to be more informal and discursive than Full Council meetings. However, the Chair shall have conduct of the debate with a view to ensuring all councillors are able to speak on matters relevant to the item under discussion. It is expected that councillors and others attending adhere to the NOLAN principles and maintain an atmosphere of courtesy and respect.

- 2.48 All councillors will stop speaking if requested to do so by the Chair.
- 2.49 All statements and questions must be addressed through the Chair.
- 2.50 Speeches and / or questions are not time limited and, if invited by the Chair, a member of the Committee may speak more than once on an item but Committee members should aim to speak for no longer than three minutes.
- 2.51 The Chair may limit the length or number of speeches or questions to ensure the effective conduct of the meeting.
- 2.52 Residents questions will be permitted in accordance with the Council Procedure Rules set out under Part 2 of this Constitution.
- 2.53 Public speaking at meetings of the Planning Committee is subject to the Planning Committee Procedure Rules set out below at Section 3.

### **Committee Business**

- 2.54 Items of business on the agenda will be presented to the Committee by officers who may also answer any questions from councillors.
- 2.55 The Committee may move and agree by consensus or by vote amendments to the recommendations as they see fit, following legal or other advice if required.

### **Point of Order**

- 2.56 Any councillor may make a point of order to the Chair alleging that there has been a breach of these Rules or any other statutory provision or applicable provision of this Constitution.
- 2.57 A councillor making a point of order must state to the Chair that:
- (a) They wish to make a point of order; and
  - (b) Specifying the Rule or statutory provision or provision of this Constitution which they considers to have been breached; and
  - (c) The way in which they consider it has been breached.
- 2.58 The Chair shall consider whether a valid point of order has been raised and:
- (a) If so, take any necessary action; or,
  - (b) If not, will continue with the business of the meeting; and,
  - (c) the Chair's ruling is final.

### **Point of Personal Explanation**

- 2.59 A councillor may request to speak to make a personal explanation, where the Chair agrees that the Councillor:
- (a) Has been named by another councillor during the debate and;
  - (b) Has been named in a manner which reflects adversely upon the reputation of the named councillor.

2.60 A councillor who wishes to make a personal explanation must make the request at the end of the current councillor's speech to the Chair who may either agree or refuse the request. The Chair's decision is final.

2.61 In making a personal explanation, the councillor must only address the comment in respect of the councillor's reputation.

### **Press and Public: Access and Exclusion**

2.62 Members of the press and public are permitted to attend all Committee meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

2.63 Members of the press and public may only be excluded from a Committee meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

### **Recording and Filming**

2.64 Any person, including councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

- (a) The person has notified Democratic Services of their intention to film or record the meeting prior to the commencement of the meeting;
- (b) Recording or filming must not disrupt the business and conduct of the meeting;
- (c) In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;
- (d) Refrain from recording or filming any member of the public, except where part of the formal proceedings; and
- (e) During a private session of the meeting must not leave any form of recording device in the meeting room, and councillors remaining in the meeting must not record or film any private session of the proceedings.

2.65 Permission to record or film Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

2.66 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

### **Councillor Misconduct During Meetings**

2.67 If during the course of a Committee meeting a councillor fails to comply:

- (a) With the NOLAN principles, these Rules or any other applicable rules or,
- (b) An instruction of the Chair; or,
- (c) A decision of the Committee;

or when speaking uses offensive, intimidatory or abusive language towards any councillor, officer or other person, the Chair may instruct the councillor to be seated, if they are standing, and not to speak.



2.68 If the councillor continues to fail to comply with the provisions of Rules 2.67 or otherwise refuses to comply with the Chair's instructions, the Chair may:

(a) Move without debate that the councillor be suspended from and must leave the meeting, and

(b) If the motion is seconded, the Committee shall vote on the motion.

2.69 If the motion is carried but the offending councillor refuses to leave the meeting, the Chair may take steps to remove the councillor from the meeting.

#### **Disturbance by a Member of the Public**

2.70 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.

2.71 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

#### **Removal of a Member of the Public**

2.72 If one or more members of the public interrupts or interferes the effective conduct of the business of a meeting the Chair may warn them, and if they interrupt again, the Chair may order their removal from the meeting.

#### **General Disturbance**

2.73 In case of a general disturbance in any part of the meeting room open to the public for the purpose of attending the meeting, the Chair may order that part of the meeting room to be cleared.

#### **Notification of Cancellation of a Committee Meeting**

2.74 The Proper Officer, after consultation with the Chair may issue, owing to exceptional circumstances, a Public Notice of Cancellation of the Meeting.

2.75 The Notice must state reasons for the cancellation.

#### **Suspension and / or Amendment of the Committee Procedure Rules**

2.76 Subject to any statutory provisions, any or all of these Rules, except those set out under Rule 2.77 below may be suspended by a majority of at least one half of the whole number of councillors who are present at the meeting and eligible to vote. Suspension will only be for the item or meeting specified in the motion. Motions to suspend must specify the Rule or Rules being suspended.

2.77 Rules that may not be suspended:

(a) Requirements for Summons (Rules 2.5 to 2.7);

(b) Quorum (Rules 2.19 to 2.20);

(c) Duration of the Meeting (Rules 2.33 to 2.38);

(d) Voting (Rules 2.39 to 2.42);

(e) Access and Exclusion of the Press and Public (Rules 2.62 to 2.63);

- (f) Recording and Filming (Rules 2.64 to 2.66); and,
- (g) Rules as to conduct and removal (Rules 2.67 to 2.73).

### **3. PLANNING COMMITTEE PROCEDURE RULES**

#### **Purpose and Application**

- 3.1 These Planning Committee Procedure Rules (Rules) and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Planning Committee.
- 3.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.
- 3.3 The Planning Committee shall have regard to the Probity in Planning: Guidance to Members and Officers available here [[Live Link](#)].

#### **Chair and Vice Chair**

- 3.4 The Chair of the Planning Committee or in the absence of the Chair, the Vice Chair of the Planning Committee shall preside over all meetings of the Planning Committee.
- 3.5 In the absence of the Chair and the Vice Chair for the whole or part of a Planning Committee meeting, as the first item of business the Committee shall appoint from those councillors present a person to act as Chair of the Committee meeting for the duration of the Chair or Vice Chair's absence, and reference in these Rules to Chair will be read as referring to the person chairing the meeting.
- 3.6 The Chair is responsible for:
  - (a) Calling items for consideration as they appear on the agenda and / or in such alternative order as they consider expedient;
  - (b) Calling and allowing persons to speak at the meeting in accordance with Rules 3.14 to 3.19 below (public speaking).
  - (c) Maintaining good order at the meeting and ensuring the effective and timely conduct of the meeting's business, for which purpose the Chair has the power to curtail any speaker (including councillors and members of the Committee), and / or in the event of disorder, to suspend the hearing until good order is restored.
- 3.7 In all matters of procedure and the interpretation of all rules applicable to a Committee meeting the Chair's decision is final.
- 3.8 As appropriate prior to a meeting the Chair and Vice Chair of the Planning Committee may meet with officers to consider the business of the meeting and speaking arrangements for each item on the agenda.

#### **Officer Attendance**

- 3.9 A Planning Officer and legal advisor shall attend all Planning Committee meetings.

#### **Order of Business**

- 3.10 The order of business for a Planning Committee shall be:

- 3.11 In the absence of the Chair and Vice Chair of the Planning Committee, to elect the Chair of the meeting;
- (a) Apologies;
  - (b) Minutes;
  - (c) Substitutes;
  - (d) Declarations of interest;
  - (e) Consideration of planning applications in the order they appear on the agenda and / or in such alternative order as is considered expedient;
  - (f) To deal with any other business specified in the agenda

### **Consideration of Planning Applications**

- 3.12 Planning applications will be considered in the order they appear on the agenda as follows:
- (a) The Chair will announce the agenda item number;
  - (b) The Planning Officer will introduce the planning application with any relevant updates including those which may be contained within a supplementary update report.
  - (c) The Chair will call on public speakers in accordance with Rules 3.14 to 3.18 below.
  - (d) The Chair will ask members of the Committee if they require any clarification on points raised by any public speaker;
  - (e) The Chair will ask members of the Committee if they have any technical questions for the Planning Officer and / or the legal advisor and/or any other technical staff present;
  - (f) The Committee will then discuss / debate the planning application, during which members of the Committee may, through the Chair, seek further clarification from the Planning Officer and / or the legal advisor / other technical advisors present regarding the application, or, on points raised by public speakers.

- 3.13 Except where the Committee has determined that the decision on application is to be deferred, the Committee will then determine the application on a vote.

### **Public Speaking**

- 3.14 With the consent of the Planning Committee Chair Councillors of Southend-on-Sea City Council may speak at meetings of the Planning Committee.
- 3.15 All other persons who wish to speak at a hearing of the Committee must have registered in advance to do so.
- 3.16 The circulation of documents (including photographs) or presentation of material at meetings other than submitted as part of the planning application is not permitted.

3.17 The following will be invited to have an opportunity to speak at the meeting a planning application is due to be considered by the Planning Committee:

- (a) Members of the public who have previously made written representations either objecting to or in support of that planning application in accordance with the Planning Committee Public Speaking Rules available here (Live Link);
- (b) Parish Councils who have previously made written representations objecting to or in support of the application;
- (c) The applicant or agent (right of reply only).

3.18 The order of speaking and the time limit of speeches shall be determined in accordance with the Planning Committee Public Speaking Rules.

### **Voting**

3.19 A member of the Committee must be present throughout the entire presentation and debate on a planning application in order to vote on it.

3.20 Each member of the Committee shall have one vote.

3.21 Where the number of votes for and against an application is equal, the Chair shall have a casting vote.

3.22 A planning application shall be decided by a simple majority of those members of the Committee physically present in the room and entitled to vote on the application.

3.23 Subject to Rule 3.24 to 3.29 below, voting shall be for:

- (a) The recommendation on the planning application as it appears in the written report; or,
- (b) The recommendation on the planning application as amended at hearing by the Planning Officer; or,
- (c) An alternative recommendation on the planning application, as proposed by a member of the Committee during the meeting which must be seconded by at least one other member of that Committee.

3.24 Where there is more than one amendment proposed by a member of the Committee at the meeting, each proposed amendment will be voted on in order of the proposed amendments, provided that, for each proposed amendment which differs from the recommendation of the Planning Officer at Rule 3.23 (a) or Rule 3.23 (b), the Committee shall establish clear reasons for each proposed amendment.

3.25 If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to establish and consider the reasons for each proposed amendment.

3.26 The Chair shall invite the Planning Officer and legal advisor to advise on the clarity and validity of the reasons established for each proposed amendment, and If necessary and in consideration of the impact of deferring the determination of the application, the Chair

may defer a decision on the planning application to test the reasons and consider them at a further hearing of the Committee prior to determining the application.

- 3.27 Where there is any ambiguity as to the way in which members of the Committee are voting on any matter, the Chair shall require each member to confirm their vote on each matter before the decision is recorded.
- 3.28 Any member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.
- 3.29 Immediately after a vote is taken and any member of the Committee requests it, their vote will be recorded in the minutes.

#### **4. LICENSING SUB-COMMITTEE PROCEDURE RULES**

- 4.1 The Licensing Sub-Committee (Licensing Sub-committee Procedure Rules for potential insertion here, however a link to the document may be preferred Live Link)

## 5. PLANNING COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 5.1 The Planning Committee is appointed by the Council under the Local Government Act 1972 for the purpose of discharging those functions of the Council relating to town and country planning, and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as such functions are not the responsibility of any other local authority.
- 5.2 The Planning Committee shall have regard to the Planning Committee Procedure Rules set out above under Section 3 and the Probity in Planning: Guidance to Members and Officers.
- 5.3 The membership, chair and quorum requirements for the Planning Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	11
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be members of the Planning Committee Members and substitutes must complete training in the principles of determining planning applications: <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• As required by the Council</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Planning Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of membership subject to a minimum of 3 members



<b>Number of Ordinary Meetings Per Council Year</b>	As required
---	-------------

### Terms of Reference

5.4 The discharge of the non-executive functions and responsibilities of the Council relating to town and country planning, and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to officers, including without limitation as regards functions under the following Acts and associated Regulations and Orders:

- (a) Town and Country Planning Act 1990;
- (b) Planning (Listed Buildings and Conservation Area) Act 1990;
- (c) Planning (Hazardous Substances) Act 1990;
- (d) Planning and Compulsory Purchase Act 2004.

5.5 Functions relating to the preservation of trees and hedgerows.

5.6 The exercise of ancillary powers in respect of those functions referred to above in relation to highways to the extent that they concern planning matters.

5.7 Responsibility for:

- (a) Wider strategic development;
- (b) Sites which have a significant impact beyond the Council's area;
- (c) Sites fundamental or contrary to the Council's Local Plan, or other national or government approved planning policies, including without limitation as regards:
  - (i) Major infrastructure;
  - (ii) Large scale major development comprising:
    - Housing (approximately 400 dwellings or more);
    - Employment (approximately 10,000 square metres or 2 hectares or more);
    - Retail (approximately 10,000 square metres or 2 hectares or more).

5.8 The consideration and determination of the decision the Planning Committee would have made on a planning application subject of the non-determination appeal process.

5.9 The consideration and determination of applications which have been 'called-in' by a councillor of Southend-on-Sea City Council.

5.10 The consideration and determination of planning applications submitted by:

- (a) A councillor, their spouse or partner;
- (b) An officer, their spouse or partner.

5.11 The consideration and determination of a planning application where, in the opinion of the Director of Planning and Economy, the application raises issue of planning importance or should otherwise be considered and determined by the Planning Committee.

5.12 Undertaking site visits as appropriate.

5.13 In the discharge of the Planning Committee's above functions and without limitation:

(a) Imposing any condition, limitation or restriction, or determining any other terms, on an approval, granted in the exercise of its functions;

(b) Amending, modifying or varying any condition to which approval is subject;

#### **Delegations to Officers**

5.14 Those functions of the Planning Committee which have been delegated to officers are set out in the Scheme of Delegation to Officers under Part 7 of this Constitution.

## 6. LICENSING COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 6.1 The Licensing Committee is established by the Council under the Licensing Act 2003 and the Local Government Act 1972 for the purpose of discharging respectively those functions of the Council relating to licensing under the Licensing Act 2003 and the Gambling Act 2005, and those other of the Council's regulatory and licensing functions specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as those functions are not the responsibility of any other Committee or local authority.
- 6.2 The Licensing Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 6.3 A sub-committee of the Licensing Committee may exercise all the powers of the Licensing Committee.
- 6.4 The Licensing Committee has appointed the Licensing Sub-committees A, B and C to consider and determine applications delegated to them by the Licensing Committee.
- 6.5 The Committee Procedure Rules set out above under Section 2 shall apply to the Licensing Committee.
- 6.6 The Licensing Sub-committee Procedure Rules shall apply to Licensing Sub-committees A, B and C.
- 6.7 The membership, chair and quorum requirements for the Licensing Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for Licensing Sub-committees A, B and Care set out in the table at paragraph 6.20 below.

### Membership, Chair and Quorum

<b>Number of Members</b>	15
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	The Mayor and Cabinet members may not be members of the Licensing Committee

	<p>Members and substitutes must complete training in the principles of determining licensing applications:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Licensing Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	At least two per municipal year
<b>Standing Sub-committee</b>	Sub-committees A, B and C

## **Licensing Committee Terms of Reference**

### **Licensing Act 2003**

6.8 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated, where those functions not reserved to full Council as a matter of law or under this Constitution, or delegated to officers, including without limitation:

- (a) The determination of applications for a premises licence where representations have been made;
- (b) The determination of applications for a provisional statement where representations have been made;
- (c) The determination of applications for the variation of premises licence where representations have been made;
- (d) The determination of applications to vary a designated premises supervisor following police objection;
- (e) The determination of applications for the transfer of a premises licence following objection;
- (f) The consideration of objections made to an interim authority notice;
- (g) The determination of interim steps pending a summary review;
- (h) The determination of applications for a club premises certificate where representations have been made;

- (i) The determination of application to vary a club premises certificate where representations have been made;
- (j) The decision to give counter notice following police objections to a temporary event notice;
- (k) The determination of applications for the grant of a personal licence following objection;
- (l) The revocation of licence where convictions come to light after grant etc;
- (m) The revocation or suspension of licence where convictions or immigration penalties become known; and,
- (n) The determination of interim steps pending summary off-sales review; and,
- (o) Any matter under the Licensing Act 2003 referred to the Licensing Committee for determination by an officer.

6.9 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.8 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.10 In conjunction with officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Licensing Policy.

### **Gambling Act 2005**

6.11 To exercise the Council's responsibilities and functions relating to gambling, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853) as amended or updated where those functions are not reserved to full Council as a matter of law or under this Constitution, or delegated to officers, including without limitation:

- (a) The determination of an application for a premises licence in respect of which representations have been made and not withdrawn;

- (b) The determination of an application for the variation of a premises licence in respect of which representations have been made and not withdrawn;
- (c) The determination of an application for the transfer following representations by the Commission,
- (d) The determination of an application for a provisional statement under in respect of which representations have been made and not withdrawn;
- (e) The review of a premises licence;
- (f) The determination of an application for a club gaming / club machine permit;
- (g) The cancellation of a club gaming / club machine permit;
- (h) The decision to give counter notice following objections to a temporary use notice; and
- (i) Any matter under the Gambling Act 2005 referred to the Licensing Committee for determination by an officer.

6.12 As a matter of law, the full Council shall resolve to:

- (a) Adopt the Gambling Act 2005 Statement of Principles (adoption by full Council) and,
- (b) Refuse to issue a casino premises licence.

6.13 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.11 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.14 In conjunction with officers, to develop and approve for recommendation to full Council for adoption, the Council's Statement of Principles.

6.15 In conjunction with officers, to consider and make recommendations to full to refuse issue casino premises licence.

## Other Licensing

6.16 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or updated where those functions are not functions under the Licensing Act 2003 or the Gambling Act 2005, of any other Committee, or functions reserved to full Council as a matter of law or under this Constitution, or delegated to officers, including without limitation as regards:

- (a) Caravan sites;
- (b) Camping sites;
- (c) Hackney carriage and private hire operators, drivers and vehicles;
- (d) Sex shops, sex cinemas and sex entertainment venues;
- (e) Acupuncture; tattooing, ear-piercing and electrolysis;
- (f) Pleasure boats and pleasure vessels;
- (g) Markets and street trading, including permits under the Essex Act 1987;
- (h) House to house and street collections;
- (i) Night cafes and take-away food shops;
- (j) Food preparation premises;
- (k) Scrap yards;
- (l) Safety certificates for sports grounds and regulated stands at sports grounds;
- (m) Animals and birds, including selling animals as pets, providing or arranging provisions for the boarding for cats and dogs, hiring horses, breeding dogs, keeping or training animals for exhibition, zoos and dangerous wild animals, and premises related to animals including knackers' yards;
- (n) Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer;
- (o) Smoke free premises etc;
- (p) Film classification (age); and,
- (q) Any matter pertaining to licensing or regulation referred to the Licensing Committee for determination by an officer.

6.17 For the avoidance of doubt, in relation to the grant or issue by the Licensing Committee or a sub-committee of the Licensing Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above at paragraph 6.16 includes responsibility for:

- (a) The imposition or amendment, modification or variation of any term, condition, limitation or restriction.
- (b) The decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction.
- (c) The decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- (d) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- (e) Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permission or registration including consideration of any representations thereon or objections thereto.

6.18 In conjunction with officers, to develop and adopt, or recommend to full Council for adoption, such licensing policies as are required by law or as are otherwise appropriate.

**Delegations to Officers**

6.19 Those functions of the Licensing Committee which may be discharged by a specified officer are set in the Scheme of Delegation to Officers under Part 7 of this Constitution.

**Licensing Sub-committees A, B and C**

6.20 The membership, chair and quorum requirements for Licensing Sub-committee A, B and Care as set out in the below table:

**Membership, Chair and Quorum**

<b>Number of Members</b>	Sub-committee A and B 3 Members of the Licensing Committee Sub-committee C 9 Members of the Licensing Committee
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Licensing Committee
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be a member of a Licensing Sub-committee  The Chair or Vice-chair of the Licensing Committee shall be a member of each Licensing Sub-committee



	<p>Members and substitutes must complete training in the principles of determining licensing applications under the Licensing Act 2003 and the Gambling Act 2005, and as may otherwise be required:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and,</li> <li>• At least once in each municipal year</li> </ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair or Vice-chair of the Licensing Committee shall chair a Licensing Sub-committee
<b>Quorum for Meetings</b>	3
<b>Number of Ordinary Meetings Per Council Year</b>	As required

#### **Licensing Sub-committees Terms of Reference**

- 6.21 Licensing Sub-committees A and B shall consider and determine those applications and matters under the Licensing Act 2003 under paragraph 6.8 and Gambling Act 2005 under paragraph 3.11 delegated to it by the Licensing Committee from time to time.
- 6.22 Licensing Sub-committee C shall consider and determine those applications and matters other than those under the Licensing Act 2003 and the Gambling Act 2005 6.16 to it by the Licensing Committee from time to time.

## 7. STANDARDS COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 7.1 The Standards Committee is established by the Council under the Local Government Act 1972 to oversee, develop and review the Council's Code of Conduct for Councillor and the Council's Arrangements for Dealing with Complaints Against Councillors each set out under Part 6 of this Constitution.
- 7.2 In discharging its functions the Standards Committee shall consult with an Independent Person of the Council as required.
- 7.3 The Standards Committee may appoint a sub-committee drawn from its own members to discharge any of its functions.
- 7.4 The Standards Committee has appointed The Standards Committee Hearing Sub-committee (Hearing Sub-committee) to consider and determine complaints against made against a councillor or co-opted member under the Code of Conduct for Councillors, in accordance with the Arrangements for Dealing with Complaints Against Councillors.
- 7.5 The Standards Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 7.6 Hearings of the Hearing Sub-committee shall be conducted in accordance with the Standards Hearing Sub-committee Procedure Rules set out under Section 7.
- 7.7 The membership, chair and quorum requirements for Standards Committee are as set out below in the table immediately below. The membership, chair, and quorum requirements for a sub-committee of the Standards Committee and the Hearing Sub-committee are set out in the table at paragraph 7.21 below.

### Membership, Chair and Quorum

<b>Number of Members</b>	9 (including up to non-voting 2 Independent Persons)
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.

<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be a member of the Standards and General Purpose Committee
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Standards Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	At least two per municipal year
<b>Standing Sub-committee</b>	Standards Hearing Sub-committee

### **Terms of Reference**

7.8 The promotion of the highest standards of behaviour by councillors and co-opted members of the Council in accordance with the 'Nolan Principles' on standards in public life, which are:

- (a) Selflessness;
- (b) Integrity;
- (c) Objectivity;
- (d) Accountability;
- (e) Openness;
- (f) Honesty; and
- (g) Leadership

7.9 Reviewing and developing for the adoption by full Council of the Council's:

- (a) The Constitution
- (b) Code of Conduct for Councillors (Code);
- (c) Arrangements for Dealing with Complaints Against Councillors (Arrangements);

7.10 Advising and recommending to full Council amendments to the Code or the Arrangements;

7.11 Reporting to full Council on the implementation of the Code and the Arrangements.

7.12 Reporting to full Council on the number of complaints made under the Code each municipal year.

- 7.13 Reviewing training requirements and arrangements for councillors and co-opted members on standards, the Code and the Arrangements.
- 7.14 Receiving reports on the registration and declaration of disclosable interests by councillors and co-opted members of the Council.
- 7.15 Receiving reports on the registration of gifts and hospitality by councillors and co-opted member of the Council.
- 7.16 Making recommendations to full Council on the appointment of Independent Persons of the Council.
- 7.17 Establishing a Standards Hearing Sub-committee to hear and determine complaints against councillors made under the Code in accordance with the Arrangements where a hearing is required.
- 7.18 Supporting the Monitoring Officer in standards matters.
- 7.19 Considering any other matter referred to it by the Monitoring Officer.
- 7.20 In conjunction with the Monitoring Officer, reviewing the provisions, implementation and effectiveness of the Protocol on Member / Officer Relations, and recommending changes to full Council for adoption.

**Hearing Sub-committee**

- 7.21 The membership, chair and quorum requirements of the Hearing Sub-committee are set out in the below table.

**Membership, Chair and Quorum**

<b>Number of Members</b>	3 Members of the Standards Committee
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	No
<b>Appointment / Removal of Members</b>	Standards Committee
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be a member of the Hearing Sub-committee
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Standards Committee (not a substitute)
<b>Quorum for Meetings</b>	[3]

<b>Number of Ordinary Meetings Per Council Year</b>	As required
---	-------------

**Hearing Sub-committee Terms of Reference**

7.22 As required under the Arrangements, the Hearing Sub-committee shall consider and determine complaints submitted against councillors and co-opted members under the Code.

## 8. AUDIT AND GOVERNANCE COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 8.1 The Audit and Governance Committee is established by the Council under the Local Government Act 1972 to provide independent assurance to the Council as regards the Council's governance, risk management framework and associated control environment, including as regards treasury management environment. The Audit and Governance Committee provides independent review of the Council's financial and non-financial performance to the extent that it exposes the Council to risk and weakens its control environment, approves the Council's final accounts and also acts as an advisory committee to the Council and the Cabinet on audit and governance matters.
- 8.2 The Audit and Governance Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 8.3 A sub-committee of the Audit and Governance Committee may exercise all the powers of the Audit and Governance Committee.
- 8.4 The Audit and Governance Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 8.5 The membership, chair and quorum requirements for the Audit and Governance Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	9
<b>Substitute Members Permitted</b>	Yes. subject to completion of the mandatory training for the Audit and Governance Committee
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leader or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be members of the Audit and Governance Committee Members and substitutes must complete training on the Council's governance, risk management and financial reporting arrangements:  Prior to appointment;

	After any period of extended absence; and, At least once in each municipal year
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Audit and Governance Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	[At least two per municipal year]

## **Terms of Reference**

### **Audit**

- 8.6 To consider the Chief Internal Auditor's annual plan and annual report (including a summary of internal audit activity) and the level of assurance it can give over the Council's governance arrangements.
- 8.7 To consider summaries of specific internal audit reports and the response of the Chief Executive to such reports.
- 8.8 To consider reports dealing with the management and performance of internal audit service providers.
- 8.9 To consider the external auditor's annual letter, relevant reports and the report to those in charge of governance.
- 8.10 To consider specific reports as agreed with the Chief Finance Officer, Head of Internal Audit and Investigations, and Monitoring Officer, Chief Executive or external auditor.
- 8.11 To comment on the scope and depth of external audit work and ensure it provides value for money.
- 8.12 To commission work from internal and external audit in accordance with guidelines as required.
- 8.13 Such other matters as required by law or guidance to be the proper remit of the Audit and Governance Committee.

### **Governance**

- 8.14 To maintain an overview of all aspects of this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the Contract Procedure Rules, and the Financial Procedure Rules.
- 8.15 To recommend and changes to this Constitution not otherwise reserved to the Standards and General Purposes Committee, including but not limited to decision making, the

Contract Procedure Rules, and the Financial Procedure Rules, to full Council for adoption.

- 8.16 To review any issue referred to it within the terms of reference of the Audit and Governance Committee by the Chief Executive, Monitoring Officer, Chief Finance Officer or any body of the Council.
- 8.17 To consider and monitor the Council's risk registers and refer matters for consideration to Cabinet and Council.
- 8.18 To monitor the effective development and operation of risk management and corporate governance arrangements within the Council, and approve the annual risk, management strategy.
- 8.19 To approve and monitor the Council's 'whistle-blowing', anti-fraud and anti-corruption policies.
- 8.20 To review and make recommendations on the Council's Annual Governance Statement.
- 8.21 To consider the Council's corporate governance arrangements and make recommendations to ensure compliance best practice.
- 8.22 To monitor the Council's compliance with its own and other published standards and controls.
- 8.23 To consider reports dealing with risk management across the Council, and those reports which identify key risks the Council faces, seeking assurance to the satisfaction of the Audit and Governance Committee, of appropriate management action.
- 8.24 To receive each municipal year statistical reports and details of complaints received and investigated under the Council's corporate complaints procedure.

### **Financial Reporting**

- 8.25 To review the Council's annual statement of accounts and specifically consider whether appropriate accounting policies have been followed, and whether there are any concerns arising from the financial statements or the audit, which should be brought to the attention of the Council.
- 8.26 To consider reports of the external auditor to those in charge of governance on issues arising from the audit of the accounts.

### **Local Government and Social Care Ombudsman**

- 8.27 Receiving on behalf of the Council, reports issued by the Local Government and Social Care Ombudsman on investigations that the Council's actions have amounted to maladministration causing injustice.



## 9. GENERAL PURPOSE COMMITTEE

### Purpose

- 9.1 The General Purpose Committee is established by the Council under the Local Government Act 1972 to discharge those functions set out below under the terms of reference, and such other of the Council's functions which have not been reserved to the full Council as a matter of law, or in accordance with this Constitution, which do not fall within the terms of reference of any other Committee of the Council.
- 9.2 The General Purpose Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 9.3 A sub-committee of the General Purpose Committee may exercise all the powers of the General Purpose Committee.
- 9.4 The General Purpose Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2 and all other applicable rules set out under this Constitution.
- 9.5 The membership, chair and quorum requirements for the General Purpose Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	9
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be members of the General Purpose Committee Members and substitutes must complete such training as required: <ul style="list-style-type: none"><li>• Prior to appointment;</li><li>• After any period of absence; and,</li><li>• At least once in each municipal year</li></ul>

<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the General Purpose Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members
<b>Number of Ordinary Meetings Per Council Year</b>	Four per municipal year Additional meetings may be scheduled as required

### **Terms of Reference**

#### **General Functions**

9.6 Such of the Council's functions which are not reserved to the full Council under the law or in accordance with this Constitution which do not fall within the terms of reference of any other Committee of the Council.

#### **Common Land etc and Byelaws**

9.7 Functions relating to common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

- (a) An exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or,
- (b) An order under section 147 of the Inclosure Act 1845 (power to register variation of rights of common).

9.8 Recommending to full Council the making, amendment, revocation, re-enactment or enforcement of a byelaw.

#### **Rights of Way**

9.9 To exercise power to require information as to interests in land.

9.10 To exercise power to create footpaths and bridleways.

9.11 To exercise power to stop up footpaths and bridleways.

9.12 To exercise power to divert footpaths and bridleways.

9.13 To discharge duty to assert and protect the rights of the public to use, and enjoyment of, highways.

9.14 To discharge duty to keep a definitive map and statement under review.

9.15 To discharge duty to reclassify roads used as public paths.

9.16 To exercise power to authorise creation of stiles etc. on footpaths or bridleways.

9.17 To exercise powers relating to the removal of things so deposited on highways as to be a nuisance.

## **Elections**

9.18 All functions relating to elections, electoral arrangements, the name of the Council and the areas within the administrative area of the Council, and any relevant issues referred by the Head of Paid Service (Chief Executive), Monitoring Officer, Chief Finance Officer and Chief Internal Auditor.

## **Awards**

9.19 Considering and determining nominations of honorary titles and awards introduced by the Council from time to time.

## **10. HEALTH AND WELLBEING BOARD TERMS OF REFERENCE**

### **Purpose**

- 10.1 The Health and Wellbeing Board is a Committee of the Council established under the Local Government Act 1972 as an ordinary committee but amended pursuant to section 194 of the Health and Care Act 2012 (as amended), and the Local Authority (Public Health, Health and Wellbeing Boards and Scrutiny) Regulations 2013.
- 10.2 The purpose of the Health and Wellbeing Board is to lead to the improvement of health and wellbeing of residents of the Southend-on-Sea City Council area, with a specific focus on tackling health inequalities.

### **Composition**

- 10.3 The Health and Care Act 2024 (as amended) specifies certain requirements as to the composition of the Health and Wellbeing Board.
- 10.4 The voting members of the Board comprise:
- (a) Six councillors nominated by the Leader including the Cabinet Member for public health
  - (b) The Chief Executive of the Council;
  - (c) The Executive Director (Children and Public Health;)
  - (d) The Director of Public Health;
  - (e) The Local Area Team Director (NHS England, Essex Local Area Team)
  - (f) A Representative of Healthwatch Southend;
  - (g) A Representative(s) of each Integrated Care Partnership operating within the Council's area.
- 10.5 The non-voting co-opted members of the Board comprise:
- (a) Chief Executive, Essex Partnership University Trust (EPUT);
  - (b) Chief Executive, Southend University Hospital Foundation Trust (SUHFT);
  - (c) Chief Executive, Southend Association of Voluntary Services (SAVS);
  - (d) Director of Culture, Tourism and Property;
  - (e) Chief Executive/Chief Officer – Pre-school Learning Alliance;
  - (f) STP Programme Director;
  - (g) Independent Chair (Safeguarding Boards – LSCB and SAB).
- 10.6 The Board may, in addition, appoint such other persons or representatives as it deems appropriate.

10.7 The Chair of the Council's People Overview and Scrutiny Committee may attend meetings of the Board as an observer, and may ask questions and make comments, but is not entitled to vote.

### **Substitutes**

10.8 Substitutes are permitted in accordance with the Council's Committee Procedure Rules.

10.9 Co-opted member substitutes must be of a sufficient level of seniority of their organisation.

### **Delegations to Sub-committees and Officers**

10.10 The Board may arrange for the discharge of any of its functions by a Sub-Committee, or an officer of the Council.

10.11 Unless the Board otherwise directs, a Sub-committee may arrange for the discharge of any of those functions by an officer of the Council.

10.12 The Board may appoint one or more Sub-committees to advise the Board with respect to the discharge of functions by the Board.

### **Political Proportionality**

10.13 Political proportionality rules do not apply to the Health and Wellbeing Board as it is a statutory committee with specified membership.

### **Chair**

10.14 The Chair shall be a Cabinet Member appointed by the Leader.

### **Quorum**

10.15 Quorum for a meeting of the Health and Wellbeing Board shall be four including:

- (a) Not less than two councillors of Southend-on-Sea City Council; and,
- (b) Not less than one representative from the Integrated Care Partnership.

### **Rules**

10.16 Except as regards those matters detailed above paragraphs 10.9 – 10.15, the Council's Committee Procedure Rules set out above under section 2 shall apply to the Health and Wellbeing Board.

### **Terms of Reference**

10.17 To provide strategic leadership, strengthen the influence of local authorities and elected representatives in shaping healthcare commissioning.

10.18 To oversee the development and refresh of the Joint Strategic Needs Assessment (JSNA) so that future commissioning / policy decisions and priorities are evidence based.

10.19 To determine the health improvement priorities in Southend.

10.20 To promote integration, collaboration and partnership working.

- 10.21 To oversee development of a Joint Health and Wellbeing Strategy (JHWS), which sets out improvement for health and wellbeing outcomes, including reduction in health inequalities that provides a framework for commissioning plans related to health and wellbeing.
- 10.22 To promote and encourage integration and partnership working including joint commissioning, pooled budgets and joint delivery across the NHS, social care, public health and other service providers.
- 10.23 To initiate and support stakeholder and community engagement and consultation work in relation to health and wellbeing issues.
- 10.24 To appoint task and finish groups / sub-committees for specific pieces of work that support or inform health and wellbeing across Southend.
- 10.25 To sign-off key commissioning plans, strategy and policy related to health and wellbeing and health inequalities.
- 10.26 To oversee the development of the pharmaceutical needs assessment.
- 10.27 To performance manage the achievement of and progress against key outcomes identified within the JHWS.
- 10.28 To provide leadership on any other emerging health and wellbeing related issues that may have a significant impact on the delivery of the JHWS.
- 10.29 To oversee the strategic governance for Fulfilling Lives. A Better Start Programme.
- 10.30 To carry out all other statutory functions of the Health and Wellbeing Board

## 11. SENIOR APPOINTMENTS AND DISCIPLINARY COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 11.1 The Senior Appointments and Disciplinary Committee (the Committee) is established by the Council under the Local Government Act 1972 to discharge the Council's functions in relation to the Council's statutory and senior officers as set out in the table below at paragraph 11.6 and make recommendations to full Council as required.
- 11.2 The Senior Appointments and Disciplinary Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 11.3 The Senior Appointments and Disciplinary Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2, the Staff Employment Procedure Rules set out under Part 7 of this Constitution, all other applicable rules set out under this Constitution, and all applicable law.
- 11.4 The membership, chair and quorum requirements for the Senior Appointments and Disciplinary Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	7
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	At least one Cabinet Member must be a member of the Senior Appointments and Disciplinary Committee
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Employee and Education Appeals Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 members

<b>Number of Ordinary Meetings Per Council Year</b>	As required
<b>Standing Sub-committee</b>	No

### Appointment, Dismissal, and Disciplinary Action

11.5 The function of the appointment, taking disciplinary action against, and dismissal of, an officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated officers.

11.6 However, this shall not apply to the appointment, disciplinary action or dismissal in relation to the Statutory Officers detailed in the below table. The appointment or dismissal or disciplinary action in respect of the Statutory Officers are functions of the Senior Appointments and Disciplinary Committee.

<b>Statutory Officer</b>	<b>Post</b>
<b>Head of Paid Service</b> (s4 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>
<b>Statutory Chief Officer</b> (s2 (6) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Director of Adult Social Services</li> <li>• Director of Children's Services</li> <li>• Director of Public Health</li> <li>• Chief Finance Officer (s151 Officer)</li> </ul>
<b>Non-statutory Chief Officer</b> (s2 (7) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> <li>• Executive Directors</li> <li>• All other non-clerical posts reporting to the Chief Executive and those for whom Chief Executive is directly responsible</li> </ul>
<b>Deputy Chief Officer</b> (s2 (8) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• All non-clerical posts reporting directly or is directly accountable to a Statutory or Non-Statutory Chief Officer</li> </ul>
Officers appointed under s9 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> <li>• Political assistants (where appointed)</li> </ul>



## **Recruitment**

11.7 Where the Council proposes to appoint the Head of Paid Service or senior officer listed above and it is not proposed that the appointment be made exclusively from among their existing officers, the committee will:

- (a) Draw up a statement specifying:
  - (i) The duties of the Head of Paid Service or Senior Officer concerned; and
  - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for:
  - (i) The post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (ii) A copy of the statement to be sent to any person on request.

## **Appointments**

11.8 To undertake the selection process and interviews candidates shortlisted for any of the above posts (bar Political Assistants). Offers of appointments will also be made (subject to the Executive Objections procedure (see below)) for all of the above posts save the Chief Executive which must be recommended to Full Council for approval.

## **Disciplinary Action, Grievance or Dismissal**

11.9 To determine all disciplinary action relating to any of the posts listed above (bar Political Assistants).

11.10 To dismiss any of the posts listed above (subject to the Executive Objections procedure (see below)) save the Chief Executive, S151 officer and Monitoring Officer which must be recommended to Full Council for approval

11.11 To determine grievance appeals submitted by any of the above listed officers.

## **Suspension Head of Paid Service and Chief Officers**

11.12 To suspend or review an earlier suspension decision taken by the Chief Executive or Monitoring Officer whilst an investigation takes place into alleged misconduct.

## **Appointment of an Independent Panel**

11.13 To appoint an Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended where the dismissal of the Head of paid Service, s151 and Monitoring Officer is to be recommended to Full Council.

## **The Executive Objective Procedure**

11.14 Where the Committee makes a decision to appoint or dismiss a Statutory or Non Statutory Chief Officer or Deputy Chief Officer post, the Executive Objection Procedure must be followed before an offer of employment can be made or notice of dismissal given.

11.15 The Proper Officer will inform the Leader and all Cabinet members about the proposed appointment or dismissal in writing, including:

- (a) The name of the person who it is proposed to appoint or dismiss;
- (b) Any other particulars relevant to the appointment or dismissal which have been notified to the Proper Officer;
- (c) That objections to the appointment or dismissal must be received by the leader within **two clear days** for notification to the Proper Officer.

11.16 The appointment or dismissal can only be made if:

- (a) The Leader has, within the period of **two clear days**, notified the Proper Officer that neither they nor any Cabinet member has any objection to the appointment or dismissal; or,
- (b) The Proper Officer has notified the Senior Appointments and Disciplinary Committee that no objection was received by them from the Leader within that time period; or
- (c) An objection is received within that time period and is considered by the Senior Appointments and Disciplinary Committee not to be material or well founded.

11.17 If the Senior Appointments and Disciplinary Committee, with the advice of the Chief Executive or Monitoring Officer, considers an objection to be material or well founded, they may reconsider their decision to appoint or dismiss.

## **Independent Panel**

### **Terms of Reference**

11.18 To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so, the Independent Panel will consider:

- (a) The recommendation of the Committee and the reasons in support of that recommendation;
- (b) The report of the independent investigator; and
- (c) Any oral and/or written representations from the officer.

11.19 A minimum of two Independent Persons must be invited to be appointed to the Panel in the following priority order:

- (a) The relevant Independent Person who has been appointed by the Council and who is a local government elector;
- (b) Any other relevant Independent Person who has been appointed by the Council; and
- (c) A relevant Independent Person who has been appointed by another local authority or local authorities.

11.20 The Committee must appoint the Independent Panel at least twenty working days before the Council meeting at which any vote is taken in whether or not to approve the dismissal of the officer.

## 12. THE APPEALS COMMITTEE

### Purpose

12.1 The Appeals Committee of the Council is established by the under the Local Government Act 1972 to discharge those functions as set out below under the terms of reference.

12.2 The membership, chair and quorum requirements for the Appeals Committee are as set out below in the table below.

### Membership, Chair and Quorum

<b>Number of Members</b>	5
<b>Substitute Members Permitted</b>	Yes, subject to completing any required training
<b>Political Proportionality Rules Apply</b>	Yes
<b>Appointment / Removal of Members</b>	Group Leaders or for unaligned members appointment – Full Council and removal their own decision.
<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be members of the Appeals Committee Members and substitutes must complete such training as required: <ul style="list-style-type: none"><li>• Prior to appointment;</li><li>• After any period of absence; and,</li><li>• At least once in each municipal year</li></ul>
<b>Restrictions on Chair and Vice Chair</b>	The Chair / Vice Chair must be a Member of the Appeals Committee (not a substitute)
<b>Quorum for Meetings</b>	¼ of total membership subject to a minimum of 3 Members
<b>Number of Ordinary Meetings Per Council Year</b>	As required

## **Terms of Reference**

### Education Appeals

12.4 To determine appeals against the refusal of the Council to provide free home to school / college transport for a school pupil / college student.

12.5 To determine appeals against the refusal of the Council to provide a Standard Fund Award or Discretionary Fund Award to a school pupil / college student.