

Part 4(a)(iv) – PROCEDURAL RULES RELATING TO WORKING PARTIES

Introduction

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

Meetings of the Working Party, Forum or Panel

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

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

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

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

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

Working Parties

5. There shall be 2 types of working party:
 - (i) Those that report exclusively to the Executive (“Cabinet Working Parties”)
 - (ii) Those that report to the Council (“Council Working Parties”)

6(a) Cabinet Working Parties

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

6(b) Council Working Parties

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

Quorum at Working Parties

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

Rules of Debate

8. 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.
9. 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.
10. Whenever the Chair speaks or rises from their chair, every other councillor shall sit and be silent and the Chair shall be heard without interruption.
11. 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.
12. A councillor may speak only: -
 - (a) on the matter under debate
 - (b) to raise a point of order; or
 - (c) to make a personal explanation, or
 - (d) where the Chair gives permission to a councillor to speak.
13. The Chair has a right of reply and shall confine their speech to answering points made by previous speakers, and that shall close the debate on the particular matter
14. When an amendment is carried, the amended motion shall take the place of the original motion.

Voting in Working Parties, Forums and Panels

15. Any matter at meetings in Working Party, Forums and Panels shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting.
16. If at a meeting any councillor, supported by one other member, may demand a recorded vote by raising their hand and saying "named vote", prior to the Chair calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.

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

Councillor Conduct

18. 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.
19. 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.
20. 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

21. 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.
22. 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

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

Substitute Councillors

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

27. The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Working Party, Forum or Panel for the duration of that meeting and for the duration of any adjournment of it, and that the substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified and not revoked subsequently attends any part of the relevant meeting they shall do so as an observer only, but may be permitted to speak by the Chair
28. A substitution notice given for any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice
29. The Chief Executive shall give notice of Working Parties, Forums and Panels in the usual way to all members of those informal bodies and to all substitute Councillors.

Attendance at Working Party, Forums and Panels

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

Public Participation in Respect of Traffic Regulation Orders

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

32. Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. They must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.

33. A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
34. Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.
35. Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.
36. Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.
37. The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.

Additional restrictions

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