

# Council Issues

## 1. Changes to the Constitution following consultation with the Member Reference Group

### 1.1 Introduction

Article 1.5 of the Constitution provides for the Monitoring Officer to monitor and review the operation of the Constitution and to ensure that appropriate amendments are recommended for the purpose of updating or improving the Constitution. This report deals with some proposed amendments following consultation with the Member Reference Group on the Constitution, comprising the Chairman and Vice-Chairman of the Council and the six Group Leaders or their nominees. The Group is chaired by the Chairman of the Council.

## 2. Review of part 16 of the Constitution

2.1 Part 16 of the Constitution has been re-organised to simplify it and improve the flow. This will make it easier to deal with issues that may arise at Council meetings when the Constitution frequently has to be looked at and the relevant part found quickly.

2.2 The Constitution has been re-organised into the following sections:

16.1-16.5	Introductory
16.6	Minutes
16.7	Order of business
16.6	Motions
16.9	Rules of debate
16.10	Voting
16.11	Other business at Council
16.12	Questions
16.13-16.15	Declarations of interest etc
16.16	Reporting of meetings
16.17	Standing Orders applying to committees

2.3 A version showing the principal tracked changes has been circulated to the Leaders of all political groups and their comments considered. This version is available to all members on request from the Monitoring Officer (email [paul.turner@esssex.gov.uk](mailto:paul.turner@esssex.gov.uk))

2.4 The following substantive changes are proposed:

- (a) The proposed version of part 16 does not include a facility to debate matters 'in committee' – a facility which has not been used for many years and is no longer considered necessary.
- (b) Deletion of the process for 'urgent motions'. The 'Urgent Motions' provision has not been used in recent memory. The Chairman always has a statutory discretion to accept urgent items of business if he wishes and this process appears to add complexity and is not used in practice. It is therefore proposed that in future, the Council should simply rely on the Chairman's discretion which is simpler and more flexible than the current rule.
- (c) **Clarification of the rules about petitions.** The current rules provide for a 15 minute discussion when a petition is referred to Council under the Council's petitions policy but do not provide for any output from that discussion. It is proposed that the Leader or relevant Cabinet Member will be required to move a motion in response to the petition.
- (d) **Allocation of motions.** At present the allocation of the 20 motions per annum between political groups is fixed in the Constitution, meaning that Constitutional change is needed to change the allocation. This does not reflect best practice and could cause difficulties if there is a significant change in the political balance of the Council. It is proposed to continue with the current allocations until the annual meeting in 2017 when a new system will come into force whereby the allocation will be calculated annually and notified to all members by the Chairman before the annual meeting. The following formula will apply:
  - (i) Any majority group will receive 8 motions per annum.
  - (ii) The Largest opposition group (or if the two largest opposition groups have the same number of seats, both groups) will receive at least 4 motions per annum.
  - (iii) No group will be allocated more than 8 motions per annum.
  - (iv) Subject to (ii) and (iii) motions not allocated to a majority group will be allocated proportionately to the remaining groups, based on the proportion of seats held by each group.

This will allow changes in proportionality to be reflected annually without the need for Constitutional change.

**Recommendation:**

- (1) That with effect from the close of this meeting, Part 16 of the Constitution be replaced with the text at Appendix 1 of this report. (In setting out the proposed amendments additions are shown underlined and deletions are shown crossed through.)

(2) That notwithstanding the new rules on allocation of motions, the current rules for the allocation of motions shall continue to apply to the December 2016 meeting.

### **3. Remits of Overview and Scrutiny Committees**

- 3.1 It is proposed to simplify the terms of reference of the Scrutiny Committees to make them shorter and simpler without losing any detail. The current terms of reference use the wording extracted from a previous version of the Cabinet Portfolios, but it is not considered necessary for the terms of reference to use the same language as the Cabinet Portfolios which are changed by the Leader from time to time.
- 3.2 The new terms of reference are significantly shorter. This approach has been endorsed by the Scrutiny Board.
- 3.3 This proposal will continue to ensure that everything falls within the remit of a Committee. This proposal does not affect the Health Overview and Scrutiny Committee which has terms of reference which arise from its statutory functions.

### **Recommendation**

That paragraphs 9.5.1 - 9.5.3 of the Constitution be amended as set out in Appendix 2.

### **4. Policy Framework**

Paragraph 6.1.1 of the Constitution includes a list of policies which are to be approved by full Council after considering a recommended draft submitted by the Cabinet. The current list needs to be updated as a result of legislative changes, although it is possible to include other policies on the list if Council so wishes.

### **Recommendation:**

That the policies listed at paragraph 6.1.1 of the constitution as the policy framework be amended to read:

Any document forming part of the Development Plan

The Council's Principal Strategy and Vision

Local Transport Plan

Youth Justice Plan

## 5. Petitions Policy

- 5.1 The Council's petitions policy needs to be updated as there have been changes to relevant legislation since the approval of the existing policy in October 2011. The new draft reflects these changes and makes the document significantly easier to use and understand. The revised draft petitions policy is at Appendix 3.
- 5.2 There are some proposed changes to the number of signatures required to trigger particular responses as set out below:

<b>Action</b>	<b>Current trigger</b>	<b>Proposed trigger</b>
Senior Officer Response	10-9,999	10-1,999
Executive Director Response	-	2,000-7,499
Cabinet Member Response	10,000-13,999	7,499-13,999
Council Debate	14,000+	45,000+

- 5.3 In addition to the above, it is proposed that, all petitions with 2000+ signatures will be referred to the Chairman of the relevant Scrutiny Committee who will decide how the petition is reported to a meeting of the Scrutiny Committee. If a petition is considered by a Scrutiny Committee the Committee may require a Senior Council Officer or a Cabinet Member to attend a meeting of the relevant Scrutiny Committee for the purpose of considering the matter in public. If the Committee exercises this power then the lead petitioner will also be invited to attend and may address the meeting. At present petitions are only referred to Scrutiny if this is requested by the petitioner.
- 5.4 In addition, the petitions policy is currently duplicated to some extent by other parts of the Constitution. This duplication is unnecessary, causes the risk of conflict and makes it harder to change the policy. It is proposed to amend the Constitution as set out in Appendix 4 to cross refer to the new petitions policy without duplicating it.

### Recommendations

That Council adopt the draft petitions policy at Appendix 3 and amend paragraphs 9.4 and 20.13 of the Constitution as set out in Appendix 4.

## **2. Changes to Membership of Committees**

The following changes have been made in accordance with the notification given by the Conservative Group Leader

- Councillor Andy Erskine to replace Councillor John Aldridge as a member of the development and Regulation Committee.

**Part 4**  
**Procedure Rules**

## **16. Standing Orders of the Council**

### **16.1 Annual Meeting of ~~Full~~ the Council**

The Annual meeting of the Council shall be held:

- (i) in ~~the~~ a year in which there are ~~year of~~ ordinary elections of Members to the Council, on ~~the~~ a Tuesday fixed by the Council within the twenty-one day period which commences on the day after ~~within the twenty one days immediately following the day of retirement of Council Members as the Council may fix; and~~
- (ii) in any other year, ~~in May~~ on the Tuesday following the first Thursday in ~~the Month~~ May.

In addition to the Annual meeting of the Council and any meetings convened ~~by the Chairman, or by Members of the Council~~ under paragraph 16.2, four meetings for the transaction of general business shall normally be held ~~in each year~~ in July, October, December and February each year, except ~~in~~ the year of election of Members of the Council ~~when an additional meeting may be held, on such date as the Council may determine.~~

All meetings of the Council shall be held at Chelmsford and shall commence at 10 am.

The Chairman, in his discretion, may alter the place or time of commencement or ending of any meeting.

### **16.2 Extraordinary Meetings of ~~Full~~ the Council**

#### **16.2.1 Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call an Extraordinary Council meeting in addition to Ordinary meetings:

- (i) the Chairman of the Council;
- (ii) the Council ~~\_~~ by resolution;
- (iii) the Monitoring Officer in circumstances where a report under section 5 of the Local Government Act 1989 is to be presented; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to

request a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

**16.2.2 Restriction on Business at Extraordinary Meetings**

The only business to be conducted at an Extraordinary meeting of the Council shall be the business specified in the summons to for the meeting.

**16.3 Chairman of meeting**

Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

**16.4 Interpretation of the Standing Orders ~~of the Council~~**

The ruling of the Chairman at any meeting of the Council, as to the construction or application of any of these Standing Orders, or as to the proceedings of the Council, shall be final and shall not be challenged.

**16.5 Quorum**

The quorum for any meeting of the Council is one quarter of the number of members of the Council.

If during any meeting of the Council the Chairman after counting the number of Members present declares that there is not a quorum at ~~least one quarter of the whole numbers of Members of the Council~~ present, the meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time to be fixed by the Chairman at the time the meeting is adjourned, or, if he does not fix a time, to the next Ordinary meeting of the Council.

**16.6 Minutes**

The minutes of each meeting shall be considered at the next ordinary meeting of the Council.

The Chairman shall put the question that the minutes of the meeting of the Council be approved as a correct record.

No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion

proposing that the minutes be amended in a particular way. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Where a meeting is called under paragraph 3 (~~Extraordinary meetings~~) of Schedule 12 to the Local Government Act 1972 (extraordinary meetings), the next following meeting of the Council, (being a meeting called otherwise than under that paragraph,) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

## **16.7 Order of ~~B~~usiness**

### **16.7.1 Order of ~~B~~usiness ~~ast~~ Ordinary Meetings of the Council**

Except as otherwise provided below, the order of business at every Ordinary meeting of the Council shall be:

- (i) to choose a person to preside if the Chairman and Vice-Chairman be absent;
- (ii) to deal with any business required by statute to be done before any other business;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) to receive Chairman's announcements and communications;
- (v) to receive ~~(including the receipt of~~ petitions presented by a Member of the Council, ~~and deputations)~~;
- (vi) to deal with any business expressly required by statute to be done at that meeting;
- (vii) to receive from the Leader of the Council or a Cabinet Member an Executive Statement on a current issue of importance that cannot be covered elsewhere as part of the usual business;
- (viii) to consider motions of which notice has been given under paragraph 16.8.2 ~~or 16.8.3~~ below (other than at the meeting to determine the Council's budget);

- (xi) to receive a report on ~~debate~~ any petition required to be debated in accordance with the Council's containing at least 14,000 signatures, in accordance with the Council's Petition Policy;
- (x) to consider a report of matters reserved to the Council ('Council Issues');
- (xi) to receive a report of business considered by the Cabinet and ~~consider reports and recommendations of the Cabinet;~~
- (xii) to receive and consider reports and recommendations of committees, as required;
- (xiii) to receive and consider any other ~~relevant~~ reports;
- (xiii) ~~to review plans and strategies from the Policy Framework, as required;~~
- (xiv) to deal with questions submitted in accordance with paragraph 16.12 below; and
- (xv) to consider other business, if any, specified in the summons; ~~and~~
- (xvi) ~~to debate matters 'in Committee' under paragraph 16.8.6.~~

The order of business at any meeting of the Council (other than business falling under items (i), (ii) and (iii) above) may be varied by the Chairman.

#### **16.7.2 Order of business at Annual Meeting**

At its annual meeting, the Council, in addition to business considered at an ordinary meeting, shall:

- (i) elect a Chairman and Vice-Chairman;
- (ii) appoint members to such committees and sub-committees as the Council considers appropriate;
- (iii) confirm the size and terms of reference for those committees and sub-committees;
- (iv) decide the allocation of seats on all such committees and sub-committees in accordance with the political balance rules;
- (v) elect a chairman for all such committees ; and

- (v) determine the dates of Council meetings for the remainder of the municipal year, if they have not already been determined.

In a year of ordinary elections of Members to the Council the Council shall, at its annual meeting, in addition to the requirements set out above:

- (i) receive a report of the Chief Executive on the return of Members elected;
- (ii) receive notification of the memberships of political groups;
- (iii) receive notification of the names of Group Leaders and their Deputies;
- (iv) elect the Leader of the Council, and
- (v) receive notification from the Leader of:
  - (a) the appointment of the Cabinet, including a Deputy Leader of the Council and the names of Cabinet Members and their portfolios;
  - (b) the terms of reference of any cabinet committees; and
  - (c) any delegation of executive functions to any area committees or in any joint arrangements and delegations of executive functions to Cabinet Members and officers.

## **16.8 Motions**

### **16.8.1 Scope of motions**

No motion or question shall be put unless it relates to some question over which the Council has power or which affects the Council.

~~Any Member moving a motion or an amendment shall state the reason for it.~~

### **16.8.2 Notices of motion**

Except for motions which can may be moved without notice under paragraph 16.8.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the eleventh ~~twelfth~~ calendar day before the Council meeting.

Written notice must be signed by the Member intending to move the motion and at least ~~not less than~~ one other Member.

Other than at the annual budget meeting for which no notices of motion shall be accepted. ~~Other than at the annual budget meeting where no motions shall be permitted under this paragraph,~~ a maximum of five motions shall be accepted for debated at an Ordinary Meeting of the Council under this standing order. ~~unless the Chairman has exercised his discretion in accordance with paragraph 16.11.3 below to allow an additional urgent motion to be debated.~~

The motions will be allocated annually by the Chairman in advance of the Annual Meeting in accordance with the following rules (listed below in decreasing order of priority):

- (a) A group which has a majority of seats on the Council shall be allocated 8 motions.
- (b) The largest opposition group - or if the two largest opposition groups are of equal size then each of them - shall be allocated at least 4 motions.
- (c) No group shall be allocated more than 8 motions.
- (d) The proportion of motions allocated to other groups for the municipal year shall be the same proportion of the available motions as the proportion of seats on the Council held by that group (disregarding seats and motions allocated to any group which has received an allocation under (a) or (b)).

~~The five motions to be debated shall be allocated as follows:~~

~~Conservative Group 2~~

~~Labour Group 1~~

~~Liberal Democrat Group 1~~

~~UKIP Group alternating meetings with~~

~~Green / Non-aligned Groups shared 1.~~

~~A motion moved by a member who is not part of a Group specified above would stand against the allocation of the Group of the member seconding the motion.~~

~~Motions will be taken on a rotation basis, with the order for the first meeting being decided by a ballot drawn in advance by the Chairman.~~

If any Group does not take its allocation of motions at a meeting there will be no reallocation to another Group.

If there are two or more independent members then they shall be Any number of independent members shall be considered as a group for the purposes of this rule only.

### **16.8.3 Chairman's discretion to accept urgent motions**

The Chairman may accept urgent motions if the Chairman is of the opinion that there are special circumstances that warrant a motion should be considered at a meeting as a matter of urgency. ~~exercise his discretion and allow notice of motion signed as provided for in paragraph 16.11.2 above, to be received by the Chief Executive not later than 10.30 a.m. on the Wednesday prior to the Council meeting, to be debated at that meeting, where he considers the matter urgent.~~

~~Such notice of motion shall contain a request for the Chairman to exercise his discretion and shall specify the grounds upon which the matter is urgent.~~

~~The motion and the Chairman's decision shall be set out on the order paper and, in the event of the Chairman declining to allow the motion, the motion shall be referred to the relevant Cabinet Member for response at the next available meeting of the Council.~~

### **16.8.4 Chairman's Discretion on motions**

The Chairman shall decide whether any particular motion of which notice has been given complies with paragraph 16.8.1.

### **16.8.5 Motions which may be moved without notice**

The following motions and amendments may be moved without notice:

- (i) a motion to appointment of a Member to Chairman of the meeting at which the motion is made moved;
- (ii) a motions relating to the accuracy of the minutes;
- (iii) a motion that an item of business specified in the summons haves precedence;
- (iv) a motion to appointment of a committee or member thereof, occasioned by an item mentioned in the summons to the meeting;
- (v) a motion to adoption of reports or their recommendations and recommendations of committees and any consequent resolutions;
- (vi) a motion to comment upon matters contained in reports of

committees for the information of the committee concerned;

- (vii) a motion that leave be given to withdraw a motion;
- (viii) a motion that the Council proceed to the next business;
- (ix) a motion that the question be now put;
- (x) a motion that the debate be now adjourned;
- (xi) a motion that the Council does now adjourn;
- (xii) a motion that the Standing Orders be suspended, in accordance with Article 1;
- (xiii) a motion to exclude the press and public in accordance with the Access to Information Procedure Rules;
- (xiv) a motion that a Member named under paragraph 16.9.16: Disorderly Conduct, not be heard further or leave the meeting;
- (xv) a motion giving consent of the Council where the consent of the Council is required by these Standing Orders; or
- (xvi) a motion for such other urgent purposes as the Chairman may approve.

#### **16.8.6 Rescission of preceding resolution**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be considered unless:

- (i) in the opinion of the Chairman significant new information has come to light since the original debate; or
- (ii) the notice thereof given in pursuance of paragraph 16.8.2 or ~~16.8.3~~ above bears the names of at least 25 Members of the Council; or
- (iii) it is moved in pursuance of the recommendation of a committee or the Cabinet.

#### **16.14 — Council in Committee**

~~A Member of the Council may, by written notice to the Chief Executive given before 10.30am on the Wednesday prior to the Council meeting, require that an item is placed on the order paper for debate.~~

~~The matters that may be the subject of such a notice are those which relate to general interest of the Council and the community and are not the subject of report to the Council by a committee.~~

~~If more than one such notice is given in respect of any meeting of the Council the Chairman shall determine the order in which they are put to the Council which shall decide whether or not to proceed with the debate.~~

~~In the event of a debate taking place under this Standing Order,~~

- ~~(i) paragraph 16.11.1 (Scope of motions),~~
- ~~(ii) paragraph 16.11.7 (Seconder's speech),~~
- ~~(iii) paragraph 16.11.8 (amendments to motions),~~
- ~~(iv) paragraph 16.13.1 (Only one Member to stand at a time) and~~
- ~~(v) paragraph 16.13.2 (content and length of speeches),~~

~~shall be suspended until its conclusion, provided that the Chairman shall retain the right to regulate the proceedings.~~

~~At the Chairman's discretion the four Co-opted Members co-opted on to the People and Families Overview and Scrutiny Committee may be invited to Council in Committee if the subject is an Educational matter. They will be entitled to speak as if they were a Member of the Council but will not be entitled to vote.~~

## **16.9 Rules of debate**

### **16.9.1 Discussion of Motion at Council**

A motion shall not be discussed at Council unless any necessary notice has been given in accordance with 16.8.2 & above and it has been proposed and seconded or it has been accepted by the Chairman as an urgent item of business. ~~at the meeting of the Council at which the motion is to be considered.~~

### **16.9.2 Number of speeches**

No member may speak more than once in a debate on a motion or any amendment to that motion except:

(i) The mover of a motion which is made following a report presented to the Council shall have a right of reply, immediately before the question is put to the vote;

(ii) on a point of order; or

(iii) by leave of the Chairman in explanation of any material statement made by him which he believes to have been misunderstood.

### **16.9.3 Proposer's Speech**

Subject to any other provision of these standing orders, the Proposer of any Motion which is the subject of a debate shall make a speech as soon as the Motion has been seconded.

### **16.9.4 Seconder's speech**

The following rules apply to determine when the Seconder of a motion may speak when a motion is being debated:

(i) A Member who has seconded when seconding a motion, other than an amendment, will be permitted to speak only at the end of the debate on the motion, immediately before it is put to the vote.

(ii) A Member seconding an amendment moved by a Cabinet Member will be the penultimate speaker in the debate.

(iii) Any other Member, when seconding an amendment, may speak after the proposer of the amendment or may, if that Member declares his intention to do so, reserve the right to speak at a later period of the debate.

### **16.9.5 Cabinet Member's nominee's speech**

Where no amendment is moved by a member of the Cabinet Member or by a member of the majority group (if any), responding to a motion does not move an amendment, a Member nominated by the Cabinet Member will be the penultimate speaker in the debate.

### **16.9.6 Content and length of speeches and debates**

(a) Members shall direct their speeches to the question under discussion or to a personal explanation or to a point of order. The length of time given to each Member to speak will not exceed the following time limits:

- (i) the mover of a motion, other than an amendment – five minutes;
  - (ii) one speech made by a Cabinet Member, or another Member nominated to speak on their behalf, responding to the question under discussion where that question relates to a matter under their portfolio responsibility (such speech may be made at the time an amendment is proposed or seconded) – five minutes;
  - (iii) any other Member – three minutes;
  - (iv) the limits set out above shall not apply to a Member presenting or responding to questions in connection with a report or a paper and recommendations;
- (b) The following will apply to the debate on motions of which notice has been given under standing order 16.89 .2 or notices of motion accepted by the Chairman as an urgent item of business ~~or 16.9.3.~~
- (i) There will be a maximum time limit of 35 minutes per motion and any amendments thereto.
  - (ii) The maximum length of time for the consideration of all such motions will be 175 minutes
  - (iii) The Chairman may extend those limits in a particular case.
- (c) When dealing with the annual budget debate the following limits to the lengths of speech shall apply:
- (i) the Leader of the Council when making the budget speech and summing up the debate – no time limit;
  - (ii) the Cabinet Member speaking in support of the budget speech – 10 minutes;
  - (iii) ~~t~~The Leader of the largest opposition group when responding to the budget speech – 10 minutes;

Where the largest opposition groups have an equal number of Members then the Leader of each such Group - 6 minutes;

(iv) individual Cabinet Members when responding to any specific issues raised in relation to their Portfolio budgets – 6 minutes; and

(v) any other Member – 3 minutes.

(d) All timings of speeches are at the discretion of the Chairman.

#### **16.9.7 Only one Member to stand at a time**

A Member when speaking shall stand and address the Chairman. If two or more Members indicate, the Chairman shall call on one to speak; the other or others shall then sit. While a Member is speaking, other Members shall remain seated, unless rising to raise a point of order or in personal explanation.

#### **16.9.8 Amendments to motions**

(i) Amendments may be moved in accordance with this standing order if they are relevant to the motion and propose changes to the motion by either:

- (a) changing the motion so that it refers a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new subject matter into the motion before the Council or negating the motion.

(ii) No amendment may be moved unless:

- a. it has been put in writing and handed to the Chairman by no later than 9 am on the morning of the meeting in a format to be specified by the Monitoring Officer; or
- b. the Chairman agrees that there are exceptional reasons why (a) could not have been complied with.

(iii) Subject to (iv) below, only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the amendment under discussion has been disposed of.

- (iv) The Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (v) If an amendment is not carried, further amendments to the original motion may be moved in accordance with this Standing Order.
- (vi) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion.
- (vii) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and, if there are none, put it to the vote.

#### **16.9.9 Alteration to Motions**

A Member may, with the consent of the Council move a motion of which he has given notice, in accordance with paragraph 16.8.2 or ~~16.8.3~~ above in a different form to that printed in the agenda for the meeting.

A Member may alter a motion he has moved without notice with the consent of both the Council and the Secunder.

The Council's consent under this paragraph will be signified without discussion.

Only alterations which could be made as an amendment under 16.9.8 may be made.

#### **16.9.10 Withdrawal of motion**

A Member may withdraw a motion he has moved with the consent of both the Secunder and of the Council.

The Council's consent will be signified without discussion.

No Member may speak on the motion after the mover has asked permission to withdraw it unless such permission is refused.

### **16.9.11 Motions which may be moved during a debate**

When a motion is under debate no other motion shall be moved except the procedural motions:

- (i) to amend the motion;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate;
- (iv) to proceed to the next business;
- (v) that the question be now put;
- (vi) that a Member named under paragraph 16.9.16 below:  
Disorderly Conduct, not be heard further or do leave the meeting;  
or
- (vii) a motion to exclude the public in accordance with the Access to Information Procedure Rules.

### **16.9.12 Closure motions**

A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (i) that the Council proceeds to the next business;
- (ii) that the question be now put;
- (iii) that the debate be now adjourned; or
- (iv) that the Council does now adjourn;

on the seconding of which the Chairman shall, unless in his opinion the matter before the meeting has been insufficiently discussed, proceed as follows:

- (i) on a motion to proceed to the next business: the Chairman shall first give the seconder of the original motion his right to speak, and then put to the vote the motion to proceed to the next business;
- (ii) on a motion that the question be now put: the Chairman shall put to the vote the motion that the question be now put, and if it is passed then give any right of reply under paragraph 16.9.2 ~~the seconder of the original motion his right to speak under paragraph or~~ 16.9.4 above before putting the motion to the vote;
- (iii) on a motion to adjourn the debate or the meeting the Chairman shall put the adjournment motion to the vote without giving the seconder of the original motion his right to speak on that occasion.

### **16.9.13 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any person employed by the Council, a motion in accordance with the Access to Information Rules, for the exclusion of the public shall be moved forthwith by the chairman of the committee concerned and put without debate.

### **16.9.14 Points of order**

A Member may rise on a point of order or by leave of the Chairman in personal explanation and shall be entitled to be heard forthwith.

A point of order may only relate to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken.

A personal explanation shall be confined to some material part of a former speech made by that Member which may appear to have been misunderstood in the present debate.

### **16.9.15 Respect for Chair**

Whenever the Chairman rises during a debate any Member then standing shall resume their seat and the Council shall be silent.

### **16.9.16 Disorderly conduct**

If at a meeting any Member of the Council, in the opinion of the Chairman misconducts himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the Council, any Member may move:

- (i) 'that the Member named be not further heard'; and the motion if seconded shall be put and determined without discussion;
- (ii) if the Member named continues his misconduct after a motion under the foregoing paragraph has been carried a Member shall:

- (a) either move 'that the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion); or
- (b) the Chairman may adjourn the meeting for such period as he in his discretion shall consider expedient; and
- (c) the Chairman may also give such directions as he shall consider appropriate for the removal of the Member named and the restoration of order.

#### **16.9.17 General disturbance**

In the event of general disturbance which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman in addition to any other power vested in him, may, without question adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

#### **16.9.18 Disturbance by members of the public**

If a member of the public interrupts the proceedings at any meeting the Chairman shall issue a warning. If the interruption continues the Chairman shall order that person to be removed from the Council Chamber or direct that the part of the Council Chamber open to the public be cleared.

### **16.10 Voting**

#### **16.10.1 General Provisions about Voting**

On a division (except as otherwise provided in these Standing Orders) the voting shall be by show of hands or, at the discretion of the Chairman, by members standing in their places.

Before a vote is taken, any ten Members may demand a division by name by standing in their places, in which event the Chief Executive then shall call on each Member of the Council to state whether he votes for, against or abstains from the motion. The votes shall be recorded and the Chairman shall declare the result.

In a division by name, the names of Members voting for and against the proposition shall be recorded in the minutes.

Where immediately after a vote is taken any Member so requires, there shall be recorded in the minutes of the proceedings of the

meeting whether that Member voted for or against the question or whether that Member abstained from voting.

### **16.10.2 Voting on budget decisions**

Immediately after any vote is taken on the level of the precept to be levied by the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

For the interpretation of this rule please see Standing Order 16.21.30.5.

### **16.10.3 Voting on appointments**

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

## **16.11 Other Business at Council Meetings**

### **16.11.1 Executive Statements**

- (i) An item ('Executive Statements') will be included on the agenda for every Ordinary Council meeting;
- (ii) The purpose of an Executive Statement is to allow the Leader of the Council or a Cabinet Member to update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business.
- (iii) Executive Statements should normally be limited to one per meeting, but more may be made at the discretion of the Chairman.
- (iv) The subject of any proposed statement and the identity of the person who will be making it should be notified to the Head of Democratic Services by 5.00pm on the Friday prior to the Council meeting. The Head of Democratic Services will send an e-mail notification to all Members of the Council.
- (v) In exceptional circumstances where it has not been possible to provide notification and identify the person making the statement

by 5:00pm on the Friday prior to the Council meeting, such notification and identification shall be made to the Head of Democratic Services as soon as possible for notification to the leaders of all political groups and for the agreement of the Chairman of the Council that it may proceed.

- (vi) At the meeting, the Leader of the Council or Cabinet Member will be entitled to address the Council on the subject of the Statement for a maximum of 10 minutes.
- (vii) The Chairman will then invite questions from Members of the Council for a period of time at his discretion. The originator of the Statement shall respond to the questions as they are raised.

#### **16.11.2 Petitions**

This Standing Order applies when a petition is required to be reported to the Council in accordance with its Petitions Policy.

*The petition organiser shall be given five minutes to present the petition to the full Council following which the petition shall be discussed by the Members for a maximum of 15 minutes.*

The Leader or a relevant Cabinet Member shall move a motion in response to the petition.

#### **16.12 Questions at Council Meetings**

##### **16.12.1 Written questions asked by Members of the Council**

A Member ~~of the Council~~ may, if notice has been given in writing to the Chief Executive before 10.30 a.m. on the Wednesday prior to the Council meeting, ask the Leader, Cabinet Member or Chairman of a Committee any question on any matter in respect of which the Council has powers or duties.

Where he considers the matter urgent, the Chairman may allow any member to put to the Leader, Cabinet Member or Chairman of any committee any question of which the above notice has not been given; but a copy of any such question shall, if possible, be delivered to the Chief Executive not later than nine o'clock in the morning of the day of the meeting.

#### **16.12.2 Editing of questions**

Any written question may be edited both to bring it into proper form and to secure reasonable brevity.

#### **16.12.3 Supplementary question**

If after a reply is given to a written question the Member who asked the question considers that the reply requires clarification, he may ask once for clarification but otherwise no supplemental question shall be put except by leave of the Chairman.

#### **16.12.4 Restriction on number of questions**

The number of written questions which may be asked pursuant to notice given in accordance with paragraph 16.12.1 above by any one Member at any one meeting shall be limited to two.

#### **16.12.5 Questions on reports**

A Member ~~of the Council~~ may ask the Leader, Cabinet Member or Chairman of a committee any question on any report of the Cabinet or a committee when that item is under consideration by the Council.

#### **16.12.6 Other oral questions**

~~In accordance with paragraph 16.7 a~~Any Member of the Council may ask any ~~verbal~~oral question of:

- (i) the Chairman;
- (ii) the Leader;
- (iii) a Member of the Cabinet; or
- (iv) the Chairman of any Committee or Sub-Committee;

on any matter in relation to which the Council has powers or duties or which affects the area but which is not capable of being dealt with under paragraph 16.12.5.

The time allotted at each meeting for the putting and answering of questions under this paragraph shall not exceed 20 minutes, without the leave of the Chairman of the Council.

#### **16.12.7 Essex Police and Crime Panel and/or Essex Fire Authority**

A Member ~~of the Council~~ may ask any question of the representative of either the Essex Police and Crime Panel or the Essex Fire Authority relevant to the business of the bodies.

### 16.12.8 Form of answer

An answer may take the form of:

- (i) a direct oral answer; or
- (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (iii) where the Chief Executive considers that the reply to the question can conveniently be so given, by a written answer circulated to the Members of the Council present at the meeting.

The person to whom a question has been put may, on reasons stated, decline to answer.

### 16.12.9 Questions asked by Members of the Public

(i) Before the beginning of every meeting of the Full Council there shall be a period of up to 30 minutes to enable members of the public to ask questions. A petition may be handed to the Chairman but no other written statements and or document may be handed up or circulated to the meeting documents including photographs may not be circulated at the meeting, with the exception of petitions.

(ii) A member of the public may ask a question may be asked under this procedure Standing Order only if it has been sent to the Head of Democratic Services by email at:

[governanceteam@essex.gov.uk](mailto:governanceteam@essex.gov.uk)

by no later than 10.30 am seven days before the meeting. A question may be given by post if you do not have access to e-mail by writing to the Head of Democratic Services at PO Box 11, County Hall, Chelmsford, Essex CM1 1LX.

(iii) No person may ask more than one question at any meeting and no more than one question may be submitted on behalf of any group or organisation.

(iv) A question may be rejected if it:

- (i) is not about a matter for which the Council has powers or duties;
- (ii) is defamatory, frivolous, vexatious or offensive;
- (iii) is substantially the same as a question put to a meeting in the previous six months;
- (iv) will require the disclosure of confidential or exempt information; or
- (v) is already subject to separate appeal, adjudication, litigation, mediation or dispute resolution.

If a question is rejected under this Standing Order then the Council will provide a written explanation as to why it has been rejected.

~~16.12.2~~ Number of questions

(v) Only one Questions which have not been rejected will be set out in writing and circulated at the meeting.

(vi) Questions shall normally be dealt with in the order in which notice was received. The Chairman may revise the order of questions if he considers it appropriate, for example to group together similar questions.

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(vii) At the appropriate time the Chairman will invite the person who gave notice of the question or, if the Chairman agrees otherwise, another person on their behalf, to ask the question. The person asking the question must be present at the meeting or the question will not be asked. A period of 3 minutes will be allowed for the question to be asked.

(viii) There is no opportunity for a member of the public to make a statement or to and ask there will be no opportunity for asking a supplementary question.

(ix) The relevant Member will respond to the question orally. Any answer may refer to published information.

(x) No other member shall be permitted to speak.

(xi) Any question of which proper notice has been given but which is not dealt with in the allotted time of 30 minutes will not be held over to the next meeting: after the meeting a written response will be given in the form in which the question was received.

### **16.13 Record of attendances**

Every Member of the Council attending a meeting of the Council is requested to sign his name in the attendance book or on the sheet provided for that purpose.

The attendance book shall be used to monitor Members' attendance and ensure compliance with the Article 3.8(xvi).

### **16.14 Officers' interest in contracts and other matters**

In addition to disclosing any interest in a contract pursuant to section 117 of the Local Government Act 1972, any officer of the Council shall also disclose in writing to the Chief Executive any such interest which he may have in a proposed contract or other matter.

Any officer present at a meeting at which a contract, proposed contract or other matter in which he has disclosed an interest under section 117 of the 1972 Act shall as soon as practicable after the commencement of the meeting, disclose orally that interest which shall be recorded in the minutes of the meeting.

### **16.15 Members Declarations of Interests**

Members must declare interests and withdraw from the room as required by the Code of Conduct set out in part 24 of the Constitution.

### **16.16 Reporting of meetings by persons attending**

#### **16.16.1 Requests from Reporters**

The Chairman shall respond to requests made in accordance with section 100A(6)(c) of the Local Government Act 1972 from any person attending the meeting for the purpose of reporting the proceedings to be afforded reasonable facilities for taking their report.

#### **16.16.2 Protocol on the use of Electronic Devices at meetings held in public**

##### **1. Introduction**

The purpose of this protocol is to provide guidance on the use of electronic devices by members of the public or representatives of the media at meetings held in public. This includes filming, audio

recording, taking photographs, blogging, tweeting and posting to social media websites.

## 2. General Principle

The use of electronic devices for reporting purposes is, in certain circumstances, recognised as contributing towards transparency and democratic debate and there is a presumption in favour of allowing their use. However, the proceedings of a meeting must not be disrupted by the use of media tools and such use must not inhibit the proceedings. Oral commentary provided during the meeting will not therefore be permitted.

## 3. Filming and Audio Recording

Filming and audio recording of meetings, normally by representatives of the media but also by members of the public using small devices, is generally permitted. Members of the public are encouraged to submit a request for this purpose at least two working days before the meeting c/o Democratic Services, ~~Corporate Law and Assurance~~, P O Box 11, County Hall, Chelmsford, Essex, CM1 1LX or by email to [governanceteam@essex.gov.uk](mailto:governanceteam@essex.gov.uk). Such requests should include:

- the name, organisation and contact details of the person making the request;
- what equipment will be used;
- what the film or audio recording will be used for; and
- when the person wishes to film or record during the meeting.

On receipt of a request to film or audio record a meeting, Democratic Services will liaise with the Chairman of the meeting, or in their absence the Vice-Chairman, to ensure the request accords with the general principle set out above.

Any filming or audio recording must take place from fixed positions in the meeting room agreed with the Chairman of the meeting. Equipment must be set up before the meeting starts.

If the Chairman considers that the filming or audio recording is disrupting the meeting in any way, the operator will be required to stop immediately.

No one – including a member of the Council – is permitted to film, record or report any part of a meeting where the press or public are excluded because confidential or exempt information would be disclosed.

The requirements and obligations contained within, and arising from this protocol will be provided to the member of the public or media organisation when a request to film or audio record has been received, and will state that filming and audio recording will only proceed on the understanding that they will be adhered to.

#### 4. Other use of Electronic Devices

No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of twitter, blogs, facebook and photography, provided that there is no flash photography and the Chairman considers their actions are not disrupting the proceedings of the meeting.

At the start of the meeting the Chairman will request that all mobile phones are set to 'silent' to ensure that the meeting is not disrupted.

### **16.17 Standing Orders Applying to Committees**

#### **16.17.1 Standing Orders to apply to Committees**

The following Standing Orders of the Council and those relating to contracts shall, with any necessary modification, apply to committees, and groups;

- 16.5** Quorum (but the quorum shall of any committee shall be at least three members)
- 16.16** Reporting of meetings by persons attending
- 16.9.** Rules of debate except those parts which relate to standing, length of speeches and to speaking more than once;
- ~~**16.11.14** Motions affecting persons employed by the Council;~~
- ~~**16.15** Disorderly conduct;~~
- ~~**16.15.2** Disturbance by members of the public;~~
- ~~**16.107** Voting;~~
- ~~**16.19** Voting on appointments;~~
- ~~**16.1320** Record of attendances;~~
- ~~**16.1421** Officers' interest in contracts and other matters;~~
- ~~**16.24** Attendance of non members of committees.~~

Provided that the ruling of the Chairman of the meeting as to the construction or application of these Standing Orders or as to any other aspect of the proceedings of the meeting, shall be final and shall not be challenged at any meeting of the committee, or group.

### 16.17.2 Attendance of non-members at meetings

A Member of the Council ~~shall be able~~ is permitted to attend any committee of which he is not a member and, if invited to do so by the Chairman of the meeting, may take part in a discussion but may not vote.

### 16.17.3 Minority reports

If a minority consisting of the larger of:

- (a) ~~not less than~~ one-fourth of the members; or
- (b) two members

present at any meeting of a committee signs a minority report on a matter upon which the committee is proposing to report to the Council, and forwards it to the Chief Executive ~~so that it to~~ reaches him by the fourth working day following the date of the meeting, he shall cause copies of such minority report to be circulated with the report of the committee.

~~In any event a minority shall not be less than two members present at any meeting of a committee.~~

### 16.17.4 Substitute members

Where a Member of a committee ('the Member') does not intend to attend a meeting of that committee, another member shall if he wishes, appoint another Member ('the Substitute') may be appointed as a member of that committee in place of the Member of the political group to which he belongs to attend a meeting of that committee in his place.

A Substitute is appointed when a written substitution notice is received by or on behalf of the Head of Democratic Services no later than 30 minutes before the start of the relevant meeting. A substitution notice may be sent by:

- (a) The Member
- (b) The Leader of the Member's Political Group
- (c) The Deputy Leader of the Member's Political Group
- (d) The Spokesman appointed by the Member's Political Group on that Committee.

The effect of a substitution notice ~~shall be~~ is that the Member named in the notice shall cease to be a member of that committee for the

duration of that meeting and that the Substitute member shall be a full member of the committee for the same period.

A substitution notice may be revoked by the Member or the person who gave it at any time preceding the deadline for the giving of a substitution ~~such~~ notice.

These arrangements ~~shall apply equally~~ also apply to in respect of meetings of groups and panels of all committees.

#### **16.18 E-mail**

Where any notice is required to be given under these Standing Orders or any other provision of the Constitution it may be validly given by fax or e-mail and a signature shall be deemed to include a typed subscription of the Member or Members' name or names to the fax or e-mail.

#### **16.1928 Proceedings and Business**

In this Standing Order –

“Cabinet” and “Leader” have the same meanings as “Executive” and “Executive Leader” in Part II of the Local Government Act 2000; and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

#### **16.209 Draft Plan or Strategy**

Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 16.209.1 below.

#### **16.209.1 Objections to Draft Plan or Strategy**

Before the Council:

- (i) amends the draft plan or strategy;
- (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

#### **16.209.2 Leader's Action on Receipt of Objections**

Where the Council gives instructions in accordance with paragraph 16.209.1, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

#### **16.209.3 Council's Action when Considering Amended Drafts**

When the period specified by the Council, referred to in paragraph 16.209.2, has expired, the Council must, when:

- (i) amending the draft plan or strategy, or if there is one, the revised draft plan or strategy;
- (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (iii) adopting (with or without modification) the plan or strategy;

take into account:

- (i) any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy;
- (ii) the Cabinet's reasons for those amendments;
- (iii) any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement;

which the Leader submitted to the Council, or informed the Council of, within the period specified.

## **16.2130 Council Tax**

Subject to paragraph 16.2130.4, where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:

- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation; or
- (iv) amounts required to be stated in a precept under chapter IV of Part I of the Local Government Finance Act 1992;

and following consideration of those estimates or amounts the Council has any objections to them; it must take the action set out in paragraph 16.30.1.

### **16.2130.1 Council Tax - Objections**

Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

### **16.2130.2 Leader's Action on Receipt of Objections**

Where the Council gives instructions in accordance with paragraph 16.2130.1, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

### **16.2130.3. Council's Action when Considering Amendments**

When the period specified by the Council, referred to in paragraph 16.2130.2, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (ii) the Cabinet's reasons for those amendments;
- (iii) any disagreement that the Cabinet has with any of the Council's objections; and
- (iv) the Cabinet's reasons for that disagreement;

which the Leader submitted to the Council, or informed the Council of, within the period specified.

16.2130.4 Paragraphs 16.2130 – 16.2130.3 shall not apply in relation to:

- (a) calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

### **16.2130.5 Definition of a budget decision**

- (a) "budget decision" means a meeting of the Council at which it –
  - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
  - (ii) issues a precept under Chapter 4 of Part I of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

### 9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council.
- The Council's financial position and management of the council's finances and budgets (revenue and capital)
- Corporate Policies
- Internal and External Communications
- Customer contact centres
- Registration of Births Deaths and Marriages
- Coroners
- Matters relating to the activities of support services including:
  - Commercial/Procurement
  - Property and Facilities Management
  - Legal Services
  - Performance and Organisational Intelligence
  - Transformation
  - Internal Audit
  - Risk and insurance
  - Health and Safety
  - IT
  - Human Resources
  - Business Support
  - Democratic Services
- The Council's role as an employer
- Services which operate via a trading account
- Essex companies and other legal entities (and ECC's shareholder role)
- Democratic Engagement and Representation

### 9.5.2 People and Families Scrutiny Committee

Membership: 18 members (including 4 statutory co-opted members voting on education issues only)

- Education (other than skills and apprenticeships)
- Childrens' Services
- Youth Services
- Services relating to support for the community safety and the reduction of offending
- Adult social care, including the support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Sport and physical activity including Active Essex (the Health Overview and Scrutiny committee to be included on healthy lifestyle matters)

- Transport services relating to any of the above services.

### **9.5.3 Place Services and Economic Growth Scrutiny Committee**

Membership: 14 members

- The economy of Essex
- Economic development and regeneration
- Employment related Skills and apprenticeships
- Strategic Highways and transportation
- Heritage, Culture and the Arts
- Tourism
- Country Parks and other green assets
- Library services
- Broadband and public communications infrastructure
- Planning
- Environmental services
- Community Safety (not Domestic Violence or Youth Offending Team)
- Emergency Planning
- Waste and recycling
- Energy and emissions reduction
- Trading standards
- Housing
- Gypsies and travellers

## ESSEX COUNTY COUNCIL PETITIONS POLICY

Essex County Council values the opinion of its citizens. Responding to petitions is a key way of promoting engagement and democracy. Under our policy, a petition may be raised by any person who lives or works within Essex to request that:

- the Council takes action or ceases taking action;
- a matter be looked at by the Chairman of the Scrutiny Board; or
- there be a debate at Full Council or other public meeting.

The person who starts a petition is known as the 'lead petitioner'. The Council recommends that, before starting a petition, the lead petitioner checks with the local County Councillor. They can tell you whether the Council is already acting on the matter and if the County Council is the most appropriate body to receive the petition.

Some petitions cannot be considered under this policy – these are set out below.

In all cases the lead petitioner will receive an acknowledgment and a subsequent email or letter informing them what action is to be taken.

### **There are various ways you can submit a petition:**

1. You can submit a petition directly to the service responsible. If, for example, your petition is about the roads, you can send it to the Highways Service at County Hall.
2. You can submit a petition as part of a formal consultation exercise. In this case it must be received before the date that the consultation closes or it may not be included in the consultation – but it will still be treated in accordance with this policy.
3. If you're not sure who is responsible, submit a paper petition directly to: Head of Democratic Services, Democratic Services, Essex County Council, County Hall, Market Road, Chelmsford, CM1 1LX
4. You can attach a scanned copy of your petition to an email to the ECC service directly or to [GovernanceTeam@essex.gov.uk](mailto:GovernanceTeam@essex.gov.uk)
5. You can ask your local County Councillor to submit your paper petition on your behalf. The Councillor may be able to present the petition at Full Council. You can [find the contact details of your County Councillor](#) on our website.

6. You can start or sign a [petition online on the ECC website](#). A copy of the response a petition on an ECC website will be sent to everyone who signed the petition online.
7. You can start a petition using another website or online resource but we can only act upon a petition when it is closed and submitted to us. We cannot act upon on-going or 'rolling' petitions nor can we monitor or intervene in these external petitions. Furthermore, if an external site is raising a petition we will only consider it valid if, once submitted, we agree that it conforms to the principles of this policy.

### **What should a petition look like?**

If you wish to design and print your own paper petition, remember it is important that people understand what they are signing. Your petition should include:

- the name and contact details of the lead petitioner;
- a clear, concise statement covering the subject of the petition;
- a statement explaining what action the petitioners wish the Council to take; and
- the name, address and signature of the persons supporting the petition.

If a petition does not follow these broad guidelines, the Council may decide not to do anything further with it. If that happens, the lead petitioner will be provided with an explanation. If the petition does not identify a lead petitioner, we will normally contact the first signatory to the petition and ask them to agree to act as the lead petitioner or contact the local councillor.

A suggested format is shown as an appendix 1 to this policy. You are welcome to use this version.

### **Who can sign a petition?**

The Council will accept a petition if it is signed by people who live, work or study within the administrative boundaries of Essex. A person signing should normally be at least 12 years of age.

### **How many people need to sign a petition?**

To trigger any action a petition must have a minimum of 10 signatures.

### **What will the Council do with petitions?**

A petition (with 10 signatures or more) will always be acknowledged by email or letter to the lead petitioner within 10 working days of receipt. This acknowledgment will usually be from the service responsible but will always advise what we will be doing with the petition.

What action is taken will largely be determined by how many signatures there are.

- **Petitions signed by between 10 and 1,999 people:** A relevant Senior Officer will provide a written response to the Lead Petitioner. The Cabinet Member responsible may also respond.
- **Petitions signed by between 2,000 and 7,499 people:** The relevant Executive Director will provide a written response to the Lead Petitioner. The Cabinet Member responsible may also respond
- **Petitions signed by between 7,500 and 13,999 people:** The relevant Cabinet Member will provide a written response to the lead petitioner.
- **Petitions signed by 14,000 or more people:** The relevant Cabinet Member will provide a written response to the lead petitioner. If the Cabinet Member does not agree to take the action requested by the petition then the matter will be considered at a meeting of the Full Council for noting or (if appropriate) public debate. The lead petitioner may also be invited to attend and perhaps address the meeting.
- In addition, **any petition of 2,000 signatures or more** will be referred to the Chairman of the relevant Scrutiny Committee who will decide how the petition is reported to a meeting of the Scrutiny Committee. If a petition is considered by a Scrutiny Committee the Committee may require a Senior Council Officer or a Cabinet Member to attend a meeting of the relevant Scrutiny Committee for the purpose of considering the matter in public. If the Committee exercises this power then the lead petitioner will also be invited to attend and may address the meeting.
- **Public Consultations:** If the petition is concerned with a matter that is currently in consultation then every effort will be made to include it as a response, but to do so it must be received before the end of the consultation period.

### **Petitions not covered by this scheme**

The following petitions are not covered by this scheme:

- those that the Head of Democratic Services considers to be rude, frivolous, offensive, defamatory, scurrilous or vexatious;
- petitions that relate to planning applications, planning policy or licensing matters– for which there are alternative arrangements ([See the ECC website for details](#));
- petitions about issues for which this Council is not responsible and cannot influence; or
- petitions relating to any individual or the personal circumstances of individual Councillors or employees of the Council or matters that should properly be dealt with under the Council's complaints procedure.

Additionally, a petition will not normally be considered if it is received within six months of another petition on the same matter. However, if two or more petitions on the same subject are received at a similar time the lead petitioner may be contacted to determine if the petitions may be merged. Otherwise each petition will be treated separately.

If a petition relates to something over which the Council has no direct control or influence an acknowledgement of receipt will still be sent to the lead petitioner. However, the acknowledgement will inform the petitioner that they should re-direct the petition to the body responsible. More information on the services for which the Council is responsible can be found at: [www.essex.gov.uk](http://www.essex.gov.uk) .

If the Council decides that a petition does not fall within the scheme, the lead petitioner will be informed and an explanation will be provided.

**What you can do if you think your petition has not been dealt with in accordance with this policy?**

The lead petitioner should in the first instance seek an informal review by the Monitoring Officer who will inform the lead petitioner of any decision arising from the informal review.

Once the formal review has been undertaken the lead petitioner will be informed within seven working days.



**9.4 Roles and Responsibilities of the Overview and Scrutiny Committees**

The Overview and Scrutiny Committees, within their terms of reference, will:

- (i) engage in policy review and policy development, with a focus on improvement and how it can best be achieved;
- (ii) scrutinise decisions made or actions taken in connection with the discharge of the Council's and the Cabinet's functions;
- (iii) scrutinise the performance of the Council and the Cabinet;
- (iv) engage with the community and encourage community engagement;
- (v) question and engage with Members of the Cabinet and/or Committees and Chief Officers;
- (vi) look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership;
- (vii) consider any matter affecting the area or its inhabitants;
- (viii) consider any matters referred by full Council or Cabinet;
- (ix) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- (x) consider petitions as set out in the Council's Petitions Policy; and
- (xi) develop and maintain a work programme.

**20.13 Attendance of Members and Officers**

An Overview and Scrutiny Committee may require any Member of the Cabinet or senior officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions; and
- ii) the extent to which the actions taken implement Council policy.

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