

Constitutional Changes

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.

1.2. Openness of Local Government Bodies Regulations 2014

The Openness of Local Government Bodies Regulations 2014 were made on 5 August and came into force the day after. They make provision for members of the public to report and commentate on public meetings of local government bodies in England. They also require written records to be kept of certain decisions taken by officers.

Reporting on Meetings

Regulation 4 amends the Local Government Act 1972 to allow entry to Council and other Committee meetings for the purposes of reporting, recording and broadcasting and to allow the results of the reporting to be published or disseminated. "Reporting" includes filming and providing commentary on proceedings and allows for the use of a wide range of methods including social media. Regulation 5 makes similar amendments to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in relation to Cabinet and Joint Committee meetings.

In May the Council approved arrangements for public speaking at Council and Committee meetings and at the same time approved a Protocol on the use of Media Tools at meetings held in public which is incorporated in the Constitution as Standing Order 16.8.1. This largely meets the requirements of the Regulations but some minor changes to the Protocol were considered by the Group. These changes are shown in Annex "A".

Recording of decisions

Regulation 7 provides for the making of a written record of certain decisions taken by officers under non-executive functions; Regulation 8 provides for the publication of that record; Regulation 9 provides an exemption for confidential information; and Regulation 10 imposes a criminal sanction in relation to obstruction of persons in providing information under Regulation 8, punishable on summary conviction to a fine.

In October 2013 Council approved changes to the Constitution arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These included arrangements for the recording of executive decisions by officers. These arrangements now need to be extended to cover the recording of decisions made by officers under non-executive functions.

The Group agreed the wording of the revised Standing Order 19.20 as set out in Annex "B" to this report.

1.3. Review of rules in the event of motions being referred to committees

There is a little used provision found at Standing Order 16.11.4 which, if invoked, permits a Cabinet Member to refer an item to an appropriate committee before any response is given. This could be read as instantly prohibiting any debate on the motion and this power afforded to a single Cabinet Member appears at odds with the spirit of the Constitution and is certainly at odds with the usual practice of allowing the Chairman to exercise discretion in managing the business before Council and the duration of debate. This appears to be a legacy from the old Standing Orders, i.e. before 2000 when the law changed, when motions were routinely referred to a committee before being brought back to the next meeting of the Council with a considered response. This provision has not survived particularly well now that there is a split of functions between the Executive and Scrutiny, and where Cabinet Members do not have an automatic right to specify items of business for Scrutiny.

The Group did not want to completely remove the opportunity to refer an item to a committee for consideration but felt that any such referral should be agreed by the Council rather than being decided by a single Cabinet Member. This could be achieved under existing Standing Order 16.11.8. The Group therefore agreed to delete the second paragraph of Standing Order 16.11.4 as set out in Annex "C".

It was also agreed by the Group that when a proposal is moved to refer an item of business to a scrutiny committee, as mentioned above, this should only be possible "on notice" and that it should, therefore, be deleted from the list of items in Standing Order 16.11.5 which may be moved without notice. Accordingly, any such motion would have to be with the Chairman by no later than 9 am on the morning of the meeting; this allows time to advise the Chairman. This amendment is also set out in Annex "C" to this report.

1.4. Review of procedures relating to motions

The Constitution allows a maximum of six motions to be debated at each meeting of the Council apart from the annual budget meeting where no motions are permitted. The maximum time to be spent on one motion is 25 minutes; the maximum total time to be spent on motions is two and a half hours, unless the Chairman exercises his discretion to extend those limits.

The mover of a motion has three minutes to move a motion and another three minutes at the end to reply to the debate. The Cabinet Member responding to the motion also has three minutes. Any other member has three minutes. A seconder

has an automatic right to three minutes which they can take straight away or reserve their right to speak until later in the debate.

The Group agreed that three minutes was not a long time to move a motion or to respond to one. It therefore in the majority agreed the following proposals:

- the speaking time for moving a motion to be increased from three to five minutes;
- the right of reply for the mover of a motion to be removed;
- a motion having been seconded formally, the seconder to speak last (in effect exercising the right of reply) and to have three minutes to speak;
- the speaking time for a Cabinet Member to respond to the motion to be increased from three to five minutes;
- an amendment moved by the Cabinet Member as part of their response to a motion (having been handed to the Chairman in advance in accordance with Standing Order 16.11.8) having been seconded formally, the seconder to be the penultimate speaker and have three minutes to speak;
- if the Cabinet Member does not move an amendment the Cabinet Member's nominee (assumed to be the Cabinet Member's Deputy) to be the penultimate speaker and to have three minutes to speak;
- the process for other members to move and second an amendment to remain unchanged – three minutes each and the seconder may reserve their right to speak; and
- the maximum time for each motion to be increased from 25 to 35 minutes.

The Group agreed that where two similar motions are taken as one debate, it will be left to the discretion of the Chairman as to whether the relevant Cabinet Member should have longer than five minutes to speak to the two motions.

The allocation of the six motions for debate at a Council meeting is as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group 1

Green / Non-aligned Group 1 shared (which in effect means alternating at each meeting).

The Group in the majority agreed that because of the decrease in its numbers the UKIP Group should no longer have parity with the Labour and Liberal Democrat Groups and therefore the allocation of motions should be revised as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group alternating meetings with Green / Non-aligned Group 1.

A motion moved by a member who was not part of a Group would stand against the allocation of the Group of the member seconding the motion.

This would reduce the maximum number of motions discussed from six to five: at 35 minutes per motion, as agreed above, the Council would need 175 minutes to deal with motions.

The proposed changes to the Constitution are as set out in Annex “C” to this report.

1.5. Impact on the Constitution of the reduction in the number of members of the UKIP Group

Prior to May 2013, the Liberal Democrat Group was clearly the largest Opposition Group and the Group Leader was designated “Leader of the Opposition”. Following the 2013 Elections, the Council found itself with five Opposition Groups, three of which had nine members each – Labour, Liberal Democrat and UKIP. There is no agreement amongst the Opposition Groups to designate one of their number “Leader of the Opposition”.

Since May 2013, the membership of the UKIP Group has reduced from nine to six but no changes have been made to the constitutional benefits which the Group enjoys relative to the Labour and Liberal Democrat Groups. It is felt that some change should now be considered by the Council.

(a) Special Responsibility Allowances

The legal framework for members’ allowances is established by section 18 of the Local Government and Housing Act 1989 and governed by the Local Government (Members’ Allowances) (England) Regulations 2003.

In May 2013, responding to the situation where there was no longer a recognised Main Opposition Group, the following Special Responsibility Allowances were deleted from the Members Scheme of Allowances:

Leader of Main Opposition Group
Deputy Leader of Main Opposition Group
Opposition Spokesperson

and the following special responsibility allowance was added:

Leader of one of the three largest opposition groups: £5,350 (£16,050 – the amount of the SRA previously paid to the Leader of the Opposition - divided by three).

Until the Scheme of Allowances is changed by a decision taken at Council, the Leader of the UKIP Group is eligible to the SRA as the Leader of one of the three largest opposition groups although Councillor Huntman voluntarily agreed to forego this allowance with effect from 1 January 2015.

The Group agreed to reinstate the allowance of £16,050 for the Leader of the largest Opposition Group unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups will share the £16,050 equally between them. This means that under the present circumstances the Leader of the UKIP Group would no longer be eligible to receive an SRA.

The Group agreed to recommend this change to Full Council ahead of the imminent review of the Scheme of Allowances by an Independent Review Panel.

(b) Chairman of Corporate Scrutiny Committee

Following the 2013 election, the Overview and Scrutiny Committee Procedure Rules were amended to provide that the Council will elect a Chairman of the Corporate Scrutiny Committee from the Leaders of the three main opposition groups each year in alphabetical order by Group name.

The Group agreed that this would be changed so that the Council will elect the Leader of the largest Opposition group as Chairman of the Corporate Scrutiny Committee unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups shall be appointed to the position each year in alphabetical order by Group name.

In practice this means that the Leader of the Labour Group will be elected Chairman of the Corporate Scrutiny Committee for the 2015/16 municipal year.

If the numbers in the opposition groups were to change part way through the year then the matter of the Chairmanship of the Corporate Scrutiny Committee would be addressed as part of the report on political proportionality made to the next available meeting of the Council.

The proposed amendment to the Constitution is as set out in Annex "D" to this report.

(c) Responding to the Leader's Budget Speech

Originally, Standing Orders allowed for the leader of the opposition to make a 10 minute speech in reply to the proposed budget. Following the last County election, Standing Orders were changed so that each Leader of the three largest Opposition Groups when responding to the budget speech was given 6 minutes.

The Group agreed that this should be changed as set out in Annex "C" to this report giving the Leader of the largest Opposition group 10 minutes, unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups – six minutes. The Chairman would exercise his discretion to allow Opposition Group Leaders longer than six minutes if he considered it appropriate.

In effect this means that the Leader of the UKIP Group will now have only three minutes to speak on the budget in line with the Leaders of the Non-aligned and Green Groups.

1.6. Changes to Part 3 of the Constitution agreed by the Leader to be automatically reflected in the Constitution

The Leader is appointed by the Council following the County Elections and holds office for the life of the Council so there is no need to reappoint at each Annual Meeting. The Leader appoints the Cabinet and Deputy Cabinet Members and also appoints the Deputy Leader. These appointments can be changed by the Leader at any time.

It was agreed by the Member Reference Group that appointments and changes to appointments made by the Leader of the Council should be reflected in the Constitution as soon as possible and that the Monitoring Officer should have power to amend the Constitution accordingly.

This requires a minor change to the Constitution as shown in Annex “E” to this report.

1.7. Exercise of the call in function

Councillor Pond requested the Group to consider an amendment to Article 20.15 (ii) to protect the rights of an independent member, or one whose group has no representation on the relevant Scrutiny Committee, to defend his/her constituents’ interests. The restriction to divisional matters is to guard against frivolous call ins by any maverick councillor.

The Group agreed Councillor Pond’s proposal subject to it being at the discretion of the Chairman of the relevant Scrutiny Committee who will need to be satisfied that it is purely a local issue.

The proposed change to the Constitution is as set out in Annex “F” to this report.

1.8. Changes to the terms of reference of Overview and Scrutiny Committees

Article 9.6 (Amending the Terms of Reference) of Overview and Scrutiny Committees states that:

“The terms of reference of the Overview and Scrutiny Committees reflect the details of the Cabinet Portfolios. The terms of reference will be routinely updated to reflect any changes made to the Portfolios.” Following the most recent changes to Portfolios the Scrutiny Board has reviewed the terms of reference of the Scrutiny Committees and has recommended that a handful of minor changes be made.

The Group endorsed the recommendations of the Scrutiny Board for the changes to the Scrutiny Committees’ terms of reference as set out in Annex “G” to this report.

1.9 Routine Changes to the Constitution

(a) Rescission of preceding resolution

Standing Order 16.16 (Rescission of preceding resolution) states that “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 *negatived* within the preceding six months”.

The use of the word “*negatived*” is confusing and unhelpful. The Group agreed therefore that the word be replaced by the word “rejected”.

The proposed change to Standing Order 16.16 is as set out in Annex “H” to this report.

(b) Quorum for Committees

Standing Order 16.22 lists the standing orders that also apply to Committees. However, this list does not include Standing Order 16.6 relating to the Quorum at meetings and the Group agreed that this should be rectified.

The proposed change to Standing Order 16.22 is as set out in Annex H to this report.

(c) Addition to Officer Employment and Disciplinary Procedure Rules

Paragraph 22.2 of the Officer Employment and Disciplinary Rules sets out the arrangements relating to the recruitment of the Head of Paid Service and Chief Officers when not appointing exclusively from among existing officers. The wording for this is taken from Part 1 of Schedule 1 of the Local Authority (Standing Orders) Regulations 1993. However the Rules only contain the wording from Paragraph 1 of the Regulations but should also include the wording in Paragraph 2.

The Group agreed that Paragraph 22.2 of the Officer Employment and Disciplinary Procedure Rules be updated by the addition of the wording from Paragraph 2 of the Regulations. The changes to the Constitution are as set out in Annex "H" to this report.

Recommended:

That the changes to the Constitution as set out in Annexes "A" – "H" to this report be approved. (In setting out the proposed amendments additions are shown underlined and deletions are shown crossed through.)

Use of Media Tools at Meetings

16.8.1 Protocol on the use of Media Tools at meetings held in public

1. Introduction

The purpose of this protocol is to provide guidance on the use of media tools by members of the public or representatives of the media at meetings of Council, Cabinet, committees and sub-committees held in public. This includes filming, audio recording, taking photographs, blogging, tweeting and using other social media websites.

2. General Principle

The use of media tools, in certain circumstances, is recognised as contributing towards transparency and democratic debate and there will be a general 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 community involvement in 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 media tools, shall generally be permitted, ~~provided that~~ Members of the public are encouraged to submit -a request is submitted 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. Such requests will 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, ~~before determining whether~~ 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.

~~Any film or audio recording must not be edited in such a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those present at the meeting.~~

~~Media organisations will be required to supply the Council with a copy of all film or audio recording made at a meeting within a reasonable period.~~

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 ~~permission~~ to film has been granted received, and will state that ~~permission is only granted~~ filming will only proceed on the understanding that they will be adhered to.

4. Other use of Media Tools

No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of twitter, blogs, facebook and still photography, provided that there is no flash photography and the Chairman ~~does not~~ 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.

Recording of decisions

19.20. Recording of ~~executive~~ decisions made by individuals

- (1) As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet, he will prepare, or instruct the Proper Officer to prepare, a record of the decision, which includes a record of the decision including the date it was made, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Member of the Cabinet who is consulted by the decision-maker and in respect of any interest declared a note of any dispensation granted by the Head of Paid Service.
- (2) As soon as reasonably practicable after an officer has made a decision which is an executive decision delegated to the officer by the Council or any of its committees or sub-committees, or by the Cabinet or a Member of the Cabinet then the decision must be recorded if
- (a) it relates to the discharge of a function which for the time being is the responsibility of the Executive; or
 - (b) a decision which is not the responsibility of the Executive and the effect of the decision is to:
 - (i) grant a permission or licence; or
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which materially affects that relevant local government body's financial position.
- (3) The record prepared under 19.20(2) must be produced by or on behalf of the officer concerned and must produce a written statement which must include a record of the decision including the date it was made, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Member of the Cabinet who is consulted by the officer and in respect of any interest declared a note of any dispensation granted by the Head of Paid Service.
- (4) The provisions of Rules 19.7 and 19.8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet and decisions taken by Officers which are required to be recorded. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

Motions and Rules of Debate

16.11.2 Notices of motion

Except for motions which can be moved without notice under paragraph 16.11.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the twelfth calendar day before the Council meeting.

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

Other than at the annual budget meeting where no motions shall be permitted under this paragraph, a maximum of ~~six~~ five motions shall be debated at an Ordinary Meeting of the Council 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 six 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 Group shared 1 (~~which in effect means alternating at each meeting~~).

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.

Any number of independent members shall be considered as a group for the purposes of this rule only.

16.11.3 Chairman's discretion

The Chairman may 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.

16.11.4 Response to motions

The relevant Cabinet Member shall respond to a motion at the meeting of Council at which it is moved.

~~Alternatively a Cabinet Member may first refer a motion to an appropriate Committee for consideration, in which case the Cabinet Member shall respond to the motion at the first available meeting of the Council after receiving the Committee's views which will be incorporated into the response.~~

16.11.5 Motions which may be moved without notice

The following motions and amendments may be moved without notice:

- (i) appointment of a Chairman of the meeting at which the motion is made;
- (ii) motions relating to the accuracy of the minutes;
- (iii) that an item of business specified in the summons have precedence;
- ~~(iv) reference to a committee or reference back to a committee of any matter before the Council other than reference back of a decision made under delegated powers and already implemented;~~
- (iv) appointment of a committee or member thereof, occasioned by an item mentioned in the summons to the meeting;
- (v) adoption of reports and recommendations of committees and any consequent resolutions;
- (vi) comment upon matters contained in reports of committees for the information of the committee concerned;
- (vii) that leave be given to withdraw a motion;
- (viii) that the Council proceed to the next business;
- (ix) that the question be now put;
- (x) that the debate be now adjourned;
- (xi) that the Council does now adjourn;
- (xii) that the Standing Orders be suspended, in accordance with Article 1;
- (xiii) motion to exclude the public in accordance with the Access to Information Procedure Rules;
- (xiv) that a Member named under paragraph 16.15: Disorderly Conduct, not be heard further or leave the meeting;
- (xv) giving consent of the Council where the consent of the Council is required by these Standing Orders; or
- (xvi) for such other purposes as the Chairman may approve.

16.11.6 ~~Rules of debate~~ Discussion of Motion at Council

A motion shall not be discussed at Council unless notice has been given in accordance with 16.11.2 above and it has been proposed and seconded at the meeting of the Council at which the motion is to be considered.

16.11.7 Motions at Budget Meeting

That with respect to the agenda for the budget-setting meeting of the Council, the submission of motions unrelated to the Budget be prohibited, provided that discretion be granted by the Chairman of the Council to admit motions relating to matters of urgency.

16.11.8 Secunder's speech

A Member when seconding a motion will speak at the end of the debate, immediately before it is put to the vote.

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

A Member when seconding ~~an motion or~~ amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

16.11.9 Cabinet Member's nominee's speech

Where the Cabinet Member responding to a motion does not move an amendment, a Member nominated by the Cabinet Member will be the penultimate speaker in the debate.

16.11.10 Amendments to motions

An amendment shall be relevant to the motion and shall be either:

- (i) to refer a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) 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.

No amendment may be moved unless 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.

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.

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.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendment may be moved.

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.

16.11.11 Alteration to Motions

A Member may alter a motion of which he has given notice, in accordance with paragraph 16.11.2 above, with the consent of the Council.

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 will be signified without discussion.

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

16.11.12 Right of reply

~~The mover of a motion has a right of reply, at the end of the debate on the motion, immediately before it is put to the vote.~~

If an amendment is moved, ~~the mover of the original motion has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.~~ the mover of the amendment shall have no right of reply to the debate on his amendment.

16.13.2 Content and length of speeches

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

- (i) the mover of a motion or recommendation – ~~three~~ five minutes;
- ~~(ii) a Member exercising the right of reply in accordance with paragraph 16.11.10 – three minutes;~~
- (ii) 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 – ~~three~~ 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;
- (v) there will be a maximum time limit of ~~235~~ 235 minutes per motion and the maximum length of time for the consideration of motions presented under paragraph 16.11.2 will be ~~150-175~~ 175 minutes unless the Chairman of the Council agrees to extend those limits.

(b) When dealing with the annual budget debate:

- (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) ~~each~~ The Leader of the ~~three~~ largest opposition groups when responding to the budget speech – 10 minutes; unless there is not one such group but two or more opposition groups with equal numbers of members, the Leader of each of those Groups - 6 minutes;
- (iv) individual Cabinet Members when responding to any specific issues raised in relation to their Portfolio budgets – six minutes; and
- (v) any other Member – three minutes.

All timings are at the discretion of the Chairman.

Impact on the Constitution of the reduction in the number of members of the UKIP Group

(a) Special Responsibility Allowance

Post holder	Rate (as a % of the Leader's Allowance)	Amount
Leader of one of the three largest opposition groups	10%	£5,350
<u>Leader of the largest Opposition Group: unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups will share the £16,050 equally between them.</u>	<u>30%</u>	<u>£16,050</u>

(b) Chairman of Corporate Scrutiny Committee

20.7 Chairmanship

At its annual meeting the Council shall elect a Chairman of each Overview and Scrutiny Committee.

~~The Council will elect a Chairman of the Corporate Scrutiny Committee from the Leaders of the three main opposition groups each year in alphabetical order by Group name.~~

The Council will elect the Leader of the largest Opposition group as Chairman of the Corporate Scrutiny Committee; unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Council will elect the Chairman from the Leaders of each of those groups each year in alphabetical order by Group name.

Changes to Part 3 to be automatically reflected in the Constitution

Article 1 – The Constitution

Insert a new 1.8 as follows:

“1.8 Changes to Part 3 of the Constitution

Where, in accordance with Article 7.9, the Leader of the Council makes changes to Part 3 of the Constitution by changing the membership of the Cabinet or the Cabinet portfolios or by changing the deputy cabinet members or by changing any committee of the Cabinet, officers or joint arrangements responsible for the exercise of particular Executive functions, those changes shall be automatically implemented by the Monitoring Officer without requiring any further approval by Council.”

and renumber existing 1.8 – 1.10 as 1.9 – 1.11.

Exercise of the Call in function

Overview and Scrutiny Committee Procedure Rules

20.15 Call-in

- (ii) Any Overview and Scrutiny Committee may call-in a decision made by a Cabinet Member which falls within its remit. A member of the Overview and Scrutiny Committee may call-in a decision by notifying the Proper Officer in writing. Where a decision affects the division of a Member significantly differently from the generality of divisions, that Member may, subject to the agreement of the chairman of the relevant committee, call in the decision himself, and the call in shall be regarded nominally as in the name of the relevant Chairman.

Changes to the terms of Reference of the Overview and Scrutiny Committees

Article 9

9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- Financial Resources (revenue and capital), precepts and levies
- Community Leadership and Community Strategy
- Community Budgets and Essex Partnership Board
- Equalities and Diversity
- Policy and Strategy Team
- External and internal communications
- Customer services (Contact Centre, Member Enquiries)
- Registration Service
- Coroner’s Service
- Capital Programme Governance
- Procurement and commercial services
- Asset management and Facilities Management
- Legal Services
- Performance and Organisational Intelligence
- Liaison with HM Government, Essex MPs and district, city, borough, parish and town councils
- Essex Transformation Programme
- Audit and Risk

- Information services and technology
- Human Resources and employee services
- Business Support
- Essex Shared Services
- Property Strategy
- Traded services
- ~~Emergency Planning~~

9.5.2 People and Families Scrutiny Committee

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

- Children's Services and the Children's Trust
- Children's social care
- Preventative services, including the development of community budgets for families with complex needs
- Corporate Parenting
- Children's Centres and early years provision
- Youth offending
- Domestic Violence
- Schools and education
- Early years
- Transport for educational purposes
- Education welfare services
- Special Schools
- Special Education Needs provision, including specialist services in schools
- School improvement
- Youth services and careers advice

- Adult Community Learning
- Sport and physical activity including Active Essex (the Health Overview and Scrutiny Committee to be included on healthy lifestyle matters)
- Adult social care
- The support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Safeguarding vulnerable adults
- Supporting people
- Lifetime disabilities
- Joint Commissioning and Contracting
- Support to carers

9.5.3 Place Services and Economic Growth Scrutiny Committee

Membership: 14 members

- Major infrastructure and major transport schemes relating to the Economic Growth Strategy
- Economic development and regeneration
- Enterprise, international trade and inward investment
- Integrated County Strategy
- Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning)
- Major Projects and Infrastructure (including highways capital programme)
- Tourism
- Broadband
- External funding programmes
- Strategic and local planning
- Waste and mineral planning

- Flood Management
- Development Management
- Heritage, Culture and the Arts
- Libraries
- Built Environment; and Historic Environment
- Natural Environment
- Country Parks
- Localism (including Locality Boards)
- Big Society (including Big Society revenue and capital fund)
- Rural affairs
- ~~Relations with district, city and borough, parish and town councils~~
- Relations with the voluntary and community sector
- Countywide Traveller Unit
- Sustainable development
- Community Safety
- Emergency Planning
- Highways maintenance (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport
- Passenger Transport
- Concessionary fares
- Cycling
- Waste disposal
- Recycling Centres for Household Waste
- The promotion of recycling and waste minimisation and the disposal of waste
- Energy and emissions reduction

- Trading standards

10.3 Roles and Functions

The Health Overview and Scrutiny Committee will have the following roles and functions:

(i) to review and scrutinise the totality of local services planned and provided including the work of the Health and Wellbeing Board as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;

(ii) to refer contested proposals for major service changes to the Secretary of State;

(iii) to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999;

(iv) to review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:

(a) arrangements to secure hospital and community health services to the inhabitants of the Council's area;

(b) the provision of such services to those inhabitants;

(c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;

(d) the public health arrangements in the area; e.g. arrangements for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;

(e) the planning of health services, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and

(f) the arrangements made by NHS bodies for consulting and involving patients and the public;

(v) to review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and

(vi) to act as consultee to an NHS body within the remitted area on issues of:

(a) substantial developments of the health service in the Council's area; and

(b) any proposals to make any substantial variation to the provision of such services.

~~(vii) to review and scrutinise:~~

~~(a) sport and the 2012 Games Legacy~~

~~(b) Registrars Service~~

~~(c) the Coroner's Service.~~

Routine Changes to the Constitution

16.16 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 ~~negated~~ rejected within the preceding six months, shall be considered unless:

- (i) in the opinion of the Chairman significant new information has come to light; or
- (ii) the notice thereof given in pursuance of paragraph 16.11.2 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.

(b) Quorum

16.22 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:

16.6 Quorum (but never less than three members)

16.8 Reporting of meetings by persons attending

16.11.6 Rules of debate except those parts which relate to standing 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;

16.17 Voting;

16.19 Voting on appointments;

16.20 Record of attendances;

16.21 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.

(c) Addition to Officer Employment and Disciplinary Procedure Rules

22.2 Recruitment of Head of Paid Service and Chief Officers

1. Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council:

- (i) will draw up a statement specifying:
 - the duties of the officer concerned;
 - any qualifications or qualities to be sought in the person to be appointed;
- (ii) shall make arrangements for 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
- (iii) shall make arrangements for a copy of the statement mentioned in (i) above to be sent to any person on request.

2. (1) Where a post has been advertised as provided in 1 above, the Council shall –

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with 1 above.

3. Every appointment of a chief officer shall be made by the Council.