

# Southend-on-Sea Borough Council

Report of Corporate Director for Corporate Services

to  
Council

on  
21<sup>st</sup> May 2015

Report prepared by: John Williams,  
Head of Legal & Democratic Services

Agenda  
Item  
No.

3

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## The Cabinet, Cabinet Committee and the Constitution

### Part 1 Public Agenda Item

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#### 1. Purpose of Report

For the Council to note Cabinet changes and address several Constitutional matters.

#### 2. Recommendations

- 2.1 To note the Joint Administration Agreement attached at **Appendix 1**.
- 2.2 To note the 7 revised portfolios confirmed by the Leader as set out in **Appendix 2**.
- 2.3 To note the Leader's appointments to the Cabinet and substitutes (including the arrangements for the Deputy Leader) as set out in **List A** to be circulated at the meeting.
- 2.4 To note the Leader's appointments to the Cabinet Committee and substitutes as set out in **List B** to be circulated at the meeting.
- 2.5 To make the following changes to the Constitution:
  - (a) To amend the terms of reference of the Audit Committee in section 8 of Part 3 Schedule 2 of the Constitution, so that the Leader is excluded from membership, rather than the Support Services portfolio holder.
  - (b) To increase the number of Members on the Health and Wellbeing Board (in section 6.8 of Part 3 Schedule 2 of the Constitution), from 6 to 7 and to agree that the Executive Councillor for Health and Adult Social Care shall have the additional place.

- (c) To amend the membership of the Performance Related Pay Panel in section 4.3 of Part 3 Schedule 2 of the Constitution, so that it comprises the Leader, the two Deputy Leaders, one other Cabinet member, the leader of the largest opposition group and a person independent of the Council.
- (d) To make it a requirement that the Council nominee(s) to four specific outside bodies shall submit summary reports to the Policy & Resources Scrutiny Committee and that Article 4.02(3)(e) in Part 2 of the Constitution ("Other Functions of the Full Council") be amended to read as follows:
 

*"Appointing representatives to outside bodies (unless the appointment is an Executive function or has been delegated by the Council): Provided that the Council nominees to Essex Fire Authority, Essex Police & Crime Panel, Kent & Essex Inshore Fisheries & Conservation Authority and Southend University Hospital – NHS Foundation Trust shall be required to submit a summary report on key issues to the Policy & Resources Scrutiny Committee at every other ordinary meeting of the Committee and where there is more than one nominee a joint report shall be submitted."*
- (e) To make any necessary changes to the Constitution consequent upon (a) – (d) above and to reflect the new titles of the portfolios.

2.6 To endorse the Council's Constitution, including the Scheme of Delegation in Part 3, Schedule 3.

### 3. Background

3.1 Following the Local Elections on 7<sup>th</sup> May 2015 and the service of relevant statutory Notices on the Chief Executive under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the make-up of the Council is as follows:

Conservative:	22
Independent:	11
Labour:	9
Liberal Democrat:	4
Southend Independence:	3
UKIP:	<u>2</u>
	51

3.2 The Independent, Labour, Liberal Democrat and Southend Independence Groups have agreed to work as a Joint Administration. A copy of the Joint Administration Agreement is attached to this report at **Appendix 1**. Councillor Woodley leads the Joint Administration as the Leader of the Council.

3.3 In accordance with Article 7 in Part 2 of the Constitution and in accordance with the law, the Leader has confirmed that:

- The 7 revised portfolios are as set out in **Appendix 2**;
- The Members who will make up the Cabinet are as set out in **List A** to be circulated at the meeting; and
- The Members who will make up the Cabinet Committee and substitutes are as set out in **List B** to be circulated at the meeting.

3.4 The Leader also appoints one of the Cabinet members as the Deputy Leader. In fact it is the Leader's intention to appoint two Deputies, but only one will perform the duties of Deputy Leader (prescribed by law and in the Constitution) at any one time. It is for the Leader to notify the Chief Executive who that Deputy Leader will be and if he makes any subsequent change. The Chief Executive will in turn inform all Members. The Leader has confirmed that Councillor Gilbert will act as the Deputy Leader with immediate effect and this is indicated in **List A**.

The Deputy Leader's Allowance will only be paid to the Deputy Leader when carrying out the statutory / constitutional role; hence there will be no additional costs in terms of special responsibility allowances.

3.5 In terms of places on relevant Committees and Sub-Committees, these will be allocated on the basis of political proportionality to nominees of the 6 Groups on the Council. This matter, together with appointment of Chairmen and Vice Chairmen is dealt with at **Agendas Item 4 and 5** and **List C** will be circulated at the Council meeting for the Council to agree.

3.6 In terms of appointments to Working Parties, Panels etc, these will also be allocated, by convention, on the basis of political proportionality to nominees of the 6 Groups on the Council. This matter, together with appointment of Chairmen and Vice Chairmen is dealt with at **Agendas Item 6 and 7** and **List D** will be circulated at the Council meeting for the Council to agree.

3.7 In terms of appointments to outside bodies, these will be dealt with by the Council and **List E** will be circulated. (**Agenda Item 8**).

3.8 I have been asked to make several minor amendments to the Constitution in connection with Committees, Working Parties, Panels, Forums etc and it is necessary for the Council to agree these changes before we proceed to the rest of the items on the agenda.

The proposed changes to the Constitution are as follows:

- (a) To amend the terms of reference of the Audit Committee in section 8 of Part 3 Schedule 2 of the Constitution, so that the Leader is excluded from membership, rather than the Support Services portfolio holder. This is to reflect that fact that in the revised portfolios (**Appendix 2**), the Leader is now responsible for Financial Services.
  - (b) To increase the number of Members on the Health and Wellbeing Board (in section 6.8 of Part 3 Schedule 2 of the Constitution), from 6 to 7 and to agree that the Executive Councillor for Health and Adult Social Care shall have the additional place, even though this is not quite proportional. There is no legal objection to this as there is no statutory duty to allocate seats on the Health and Wellbeing Board to political parties.
  - (c) To amend the membership of the Performance Related Pay Panel in section 4.3 of Part 3 Schedule 2 of the Constitution, so that it comprises the Leader, the two Deputy Leaders, one other Cabinet member, the leader of the largest opposition group and a person independent of the Council. The current membership comprises the Leader, the two Deputy Leaders, the leaders of the two opposition groups and a person independent of the Council.
  - (d) To make it a requirement that the Council nominee(s) to four specific outside bodies shall submit summary reports to the Policy & Resources Scrutiny Committee and that Article 4.02(3)(e) in Part 2 of the Constitution ("Other Functions of the Full Council") be amended to read as follows:  
  
*"Appointing representatives to outside bodies (unless the appointment is an Executive function or has been delegated by the Council): Provided that the Council nominees to Essex Fire Authority, Essex Police & Crime Panel, Kent & Essex Inshore Fisheries & Conservation Authority and Southend University Hospital – NHS Foundation Trust shall be required to submit a summary report on key issues to the Policy & Resources Scrutiny Committee at every other ordinary meeting of the Committee and where there is more than one nominee a joint report shall be submitted."*
  - (e) To make any necessary changes to the Constitution consequent upon (a) – (d) above and to reflect the new titles of the portfolios.
- 3.9 In December 2009 the High Court handed down a judgement in a case involving Leeds City Council, which confirmed that the Council did have a valid Scheme of Delegation notwithstanding the fact that it did not confirm the Scheme on an annual basis. Nevertheless to be on the safe side I would ask the Council to endorse the Council's Constitution (which is on the Internet and Intranet), including the Scheme of Delegation in Part 3, Schedule 3.

#### **4. Corporate Implications**

##### **4.1 Contribution to Council's Vision & Corporate Priorities**

Becoming an excellent and high performing organisation

##### **4.2 Financial Implications**

None

##### **4.3 Legal Implications**

Amending the Constitution is a function reserved to the Council

##### **4.4 People Implications**

None

##### **4.5 Property Implications**

None

##### **4.6 Consultation**

Internal consultation

##### **4.7 Equalities and Diversity Implications**

None

##### **4.8 Risk Assessment**

N/A

##### **4.9 Value for Money**

N/A

##### **4.10 Community Safety Implications**

None

##### **4.11 Environmental Impact**

None

**5. Background Papers**

None

**6. Appendices**

**Appendix 1** – The Joint Administration Agreement

**Appendix 2** – The 7 revised portfolios confirmed by the Leader

## JOINT ADMINISTRATION AGREEMENT

### Between Independent, Labour, Liberal Democrat and Southend Independence Groups on the Southend-on-Sea Borough Council

#### 1. Pre-ambble

- 1.1 Following the Local Elections held on 7<sup>th</sup> May 2015 no party or group achieved an overall majority on the Southend-on-Sea Borough Council ("the Council").
- 1.2 The challenges facing Southend-on-Sea and the Council needs strong leadership and a stable political environment to ensure that we:
- Provide the best possible services;
  - Promote fairness for all residents and reduce inequalities;
  - Provide opportunities for economic growth;
  - Make the necessary financial savings which Government impose upon local authorities; and
  - Create a better Southend.
- 1.3 This Agreement sets out broad agreements reached between the Independent, Labour, Liberal Democrat and Southend Independence Groups that will form the basis of this Joint Administration and will enable us to work together as a strong and stable local Administration.

#### 2. Terms of Agreement

We, the Independent, Labour, Liberal Democrat and Southend Independence Groups on the Council (and the individual members of the Groups) agree as follows:

- 2.1 To form a Joint Administration with a Cabinet of 7 members:
- Positions on the Cabinet are to be filled in the ratio of 2 (Independent): 3 (Labour) : 1 (Liberal Democrat) : 1 (Southend Independence)
  - The Leader will be Councillor Ron Woodley.
  - The Leader intends to appoint Councillors Longley and Gilbert as Deputy Leaders and will give notice as to which of the two is performing the statutory duties required of a deputy leader at all times. This arrangement will not result in any increase in special responsibility allowances.

- 2.2 To work together on the basis of democratic principles of trust, equity, openness and fairness.
- 2.3 To promote strong working relationships with Council Officers based on mutual trust and respect.
- 2.4 To act in the best interests of Southend-on-Sea and its residents reflecting their views and with the aim of creating a better Southend.
- 2.5 To prepare a Corporate Plan setting out our joint objectives for the Council and to progress schemes and initiatives in accordance with such Plan.
- 2.6 To continue to work with the agreed Budget for 2015 / 2016 and to work jointly on preparation for the 2016 / 2017 Budget and Budgets for future years.
- 2.7 To deliver on the following specific commitments:
- (a) Shoeburyness Flood Defences
- To continue the review to identify the best and most effective scheme to provide protection for residents and property, to safeguard the local environment and to provide value for money
- (b) Delaware & Priory Care Homes
- To implement the decisions of the Cabinet on the 20 January 2015 regarding the future of the two Homes.
- (c) Libraries
- To implement the decisions of the Cabinet on the 23 September 2014 regarding libraries in Southend-on-Sea.
- (d) Kent Elms – Pedestrian Crossing arrangements
- To implement the decision of the Cabinet on the 17 March 2015 for improved facilities for pedestrians to cross at Kent Elms.
- (e) Victoria Avenue Regeneration
- To continue to work on the regeneration of redundant office accommodation in Victoria Avenue.



(f) Community facilities in Central Southend

To continue to work on the planning and provision of new community facilities in Central Southend.

(g) Affordable & Social Housing

To pursue the building and other provision of new affordable and social housing as a key priority whilst acting in the best interests of Southend-on-Sea and its residents.

- 2.8 That we will support all nominations submitted by our Joint Administration for appointments to Council bodies and outside bodies at Council on 21<sup>st</sup> May 2015.
- 2.9 That we will support the Joint Administration in respect of its Budget proposals and on any confidence motion.
- 2.10 That this Agreement constitutes the whole agreement between the parties and will inform and be informed by the Council's strategic plans and objectives.
- 2.11 That this Agreement be reviewed on an annual basis.

This Agreement has been signed by all members of the Independent, Labour, Liberal Democrat and Southend Independence Groups to confirm their agreement, this 19<sup>th</sup> day of May 2015.

### **Independent Group**

Councillor Mike Assenheim (**Deputy Spokesperson**)

Councillor Stephen Ayles

Councillor Brian Ayling

Councillor Caroline Endersby

Councillor Derek Kenyon

Councillor Mike Stafford

Councillor Martin Terry (**Spokesperson**)

Councillor Paul Van Looy

Councillor Marimuthu Velmurugan

Councillor Nick Ward

Councillor Ron Woodley

### **Labour Group**

Councillor Margaret Borton

Councillor Ian Gilbert (**Leader**)

Councillor Anne Jones

Councillor Judith McMahon

Councillor Cheryl Nevin

Councillor David Norman

Councillor Kevin Robinson

Councillor Julian Ware-Lane (**Deputy Leader**)

Councillor Charles Willis

### **Liberal Democrat Group**

Councillor Mary Betson

Councillor Alan Crystall (**Deputy Leader**)

Councillor Graham Longley (**Leader**)

Councillor Carole Mulroney

### **Southend Independence Group**

Councillor Tino Callaghan

Councillor Lawrence Davies (**Deputy Leader**)

Councillor James Moyies (**Leader**)

## Schedule 1(a) – The Portfolios

### 1. LEADER

- Asset Management
- Audit
- Civic buildings and facilities management
- Corporate Budget and Resource Planning
- Corporate Planning and Strategic Direction
- Corporate Project Management
- Emergency Planning (Strategic)
- Financial Services (including Insurance etc)
- Health & Safety (Internal)
- Legal Services, Land Charges & Democratic Services
- Media & Communications
- National and Regional Affairs (including Partnerships, LEP, Thames Gateway etc)
- Performance Delivery
- Procurement
- Property Support and Maintenance
- Regeneration (Lead Responsibility)
- Risk Management

### 2. COMMUNITY & ORGANISATIONAL DEVELOPMENT

- Action to address poverty
- CCTV
- Cemeteries, Crematorium & Bereavement Services
- Community Cohesion
- Community Safety
- Customer Services
- Dial a Ride
- Digital Strategy
- Equality & Diversity
- Housing Benefit
- Human Resources
- ICT
- Organisational Development
- Partnership performance delivery
- Passenger Transport / Vehicle Fleet
- Police Community Liaison
- Registration Services
- Social Equity
- Social regeneration projects (in conjunction with the Leader)
- Support to the 3<sup>rd</sup> Sector

### **3. ENTERPRISE, TOURISM & ECONOMIC DEVELOPMENT**

- All matters relating to trees, plants, grass verges and other flora
- Arts development
- Business Regeneration
- Business Liaison
- Civic Affairs
- Client role for leisure management and grounds maintenance
- Climate Change & Energy Saving
- Commemorations including Holocaust
- Culture
- Economic Development & Support
- Green Grid development
- Library Services
- Major events & initiatives
- Marketing
- Marine Activity Centre
- Marine & maritime affairs
- Museums & Galleries
- Parks and amenity management
- Pier & Foreshore
- Sport development
- Theatres
- Tourism
- Town Centre Management
- Town Twinning

### **4. PUBLIC PROTECTION, WASTE & TRANSPORT**

#### **Public Protection**

- Abandoned vehicles
- Alleys
- Cleansing
- Emergency Planning (Operational) and Business Continuity
- Graffiti Control
- Public Toilets
- Sea and foreshore defences

#### **Transport**

- Car parks and all car parking matters
- Concessionary Fares
- Engineering (Bridges & Structures)
- Highways (including maintenance)
- Transport (including Transport Policy)

#### **Waste**

- Waste collection, disposal, management, recycling & sanitation

## **5. HOUSING, PLANNING & REGULATORY SERVICES**

### **Housing**

- Housing Management (including ALMO)
- Asylum seekers
- Development of affordable housing
- Homelessness
- Housing advice
- Housing development programme
- Housing strategy
- Liaison with regional housing boards and RSLs
- Private sector housing standards and grants
- Strategic housing function
- Supporting people

### **Planning & Regulatory Services**

- Air Pollution
- Building Control
- Conservation
- Environmental Health
- Environmental Protection
- Food Hygiene & Safety
- Health & Safety (External)
- Licensing & Policy Implementation
- Noise
- Planning Policy and Planning Control
- Sustainability
- Trading Standards
- Untidy Sites and Buildings

## **6. CHILDREN & LEARNING**

- Adult & Community Learning
- After Care & Youth Support
- Behaviour Support, Social Inclusion & Exclusions
- Better Start, Fulfilling Lives
- Children's Centres, Nurseries, Child Care, Children's Services
- Children & Family Social Care Fieldwork Services
- Child Protection and Safeguarding
- Educational Psychology
- Fostering and Adoption
- Inter-Agency Co-operation to improve the Well Being Of Children
- Looked After Children
- Other Specialist Services
- School Admissions, Places and Buildings
- School Attendance and Child Employment
- School Improvement
- Southend Children's Partnership
- Special Educational Needs and Children with Disabilities
- Student Awards
- Workforce Training and Development for Children & Learning
- Youth & Connexions
- Youth Offending Service

## **7. HEALTH & ADULT SOCIAL CARE**

### **Adult Social Care**

- Assessment and Care
  - older people
  - people with learning difficulties
  - people with physical and sensory difficulties
- Carers Support
- Court of Protection & financial administration of individuals
- Equipment Store
- First Contact
- Home Care
- Hospital assessment, rapid response, collaborative care
- Joint Commissioning
- Mental Health Services
- Occupational Therapy
- Support to voluntary providers

### **Health**

- Drugs & Alcohol Service
- Health Inequalities (lead)
- Health and Well Being Partnership
- Public Health