

Meeting:	General Purposes Committee
Date:	13 June 2024
Classification:	Part 1
Key Decision:	N/A
Title of Report:	Report of Monitoring Officer on Proposed Immediate Changes to the Southend-on-Sea City Council Constitution
Executive Director:	Claire Shuter (Executive Director – Strategy & Change)
Report Authors:	Susan Zeiss (Director Legal Services – Monitoring Officer)
Executive Councillor:	Cllr Ian Gilbert, Cabinet Member for Regeneration, Major Projects and Regulatory Services

1. Executive Summary

The report asks General Purposes Committee (“GPC”) to consider an immediate change to the constitution relating to the appointment of Chairs and Vice Chairs of Overview and Scrutiny Committees and to make such recommendations as it sees fit to Council for decision.

2. Recommendations:

That General Purposes Committee recommends to Council that it:

- 2.1 Considers an amendment to the second sentence in Part 3 Schedule 2 paragraph 5.1(a) of the Constitution to read as follows: “The Chairs and Vice-Chairs shall be drawn from members of the committee”, as set out in paragraph 3.3.1 of this report.**
- 2.2 Considers an amendment to Part 4(e) Overview & Scrutiny Procedure Rules Rule 5. “Who chairs the Scrutiny Committee?” to read as follows: “Chairs and vice chairs of the scrutiny committees will be drawn from among the Councillors sitting on the committee”, as set out in paragraph 3.3.2 of this report.**
- 2.3 Agrees that authority is delegated to the Monitoring Office to make the agreed amendments and to amend any other associated provision in the constitution to reflect the decision of Council (if made) and to publish a revised version of the constitution on the Council’s website.**

3. Background

- 3.1 The Monitoring Officer is required to maintain the constitution and Articles 4 and 15 respectively provide that Council may adopt and change the constitution and that (subject to the authority given to the Chief Executive in consultation with the Monitoring Officer and Group Leaders, to make minor amendments in certain circumstances), changes to the Constitution will only be approved by the full Council on a report from the Monitoring Officer.
- 3.2 It has been customary at Southend-on-Sea City Council to first report proposed changes to the Constitution to GPC for consideration and onward recommendation to Council for decision.
- 3.3 Any Councillor may require that an item of business be placed on the agenda of any committee of council provided that they give nine clear days' notice to the Chief Executive.
- 3.4 Cllr Cowan, the Leader of the Council has given such notice and requested that an item proposing the following changes to the Constitution be placed on the agenda for General Purposes Committee and onward recommendation to Council for decision:
- 3.4.1 That Part 3 Schedule 2 5.1(a) of the constitution be amended by the deletion of the words "The Chair and Vice-Chair may only come from the members of the opposition groups represented on the Council" and the insertion of the words "The Chairs and Vice-Chairs shall be drawn from members of the committee" and will read in full as follows:
- "5.1 Membership of Each Scrutiny Committee*
(a) 17 Councillors. Neither the Mayor nor any Cabinet Member may be a member of a Scrutiny Committee. The Chairs and Vice-Chairs shall be drawn from members of the committee.
Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies" (Please see Appendix 1).
- 3.4.2 That Part 4(e) Overview & Scrutiny Procedure Rules Rule 5 of the constitution be amended by the deletion of the word "opposition" and will read in full as follows:
- "5. Who chairs the Scrutiny Committee?*
Chairs and vice chairs of the scrutiny committees will be drawn from among the Councillors sitting on the committee." (Please see Appendix 2)
- 4. Financial Implications**
- 4.1 There are no financial implications relating to the proposals contained in this report

5. Legal Implications

5.1 Apart from those provisions that are required to be reflected in the Council’s Constitution by legislation, others part of the Constitution may be amended by decision of Council.

6. Alternatives Considered

Not applicable

7. Consultation

Not required.

8. Appendices

Appendix 1: Copy of extract of Part 3 Schedule 2 paragraph 5 (1)(a) of the Constitution showing tracked changes.

Appendix 2: Copy of extract of Part 4(e) Rule 5 of the Constitution showing tracked changes.

9. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	3 June 2024
Monitoring Officer	Susan Zeiss	5 June 2024
Executive Director(s)	Claire Shuter	30 May 2024