

Part 2 The Council

1. THE COUNCIL

Composition

- 1.1 The Council comprises fifty-one Councillors (also called “Members”) elected for a term of office of four years.
- 1.2 Councillors shall retire together in every such fourth year on the fourth day after the ordinary day of election of councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.
- 1.3 Southend-on-Sea City Council’s Councillors represent 17 areas known as Wards across the city. Each Ward has three Councillors.
- 1.4 Each Councillor represents a roughly equivalent number of electors.
- 1.5 If a Councillor resigns or leaves office for another reason, a by-election is held to fill the “casual” vacancy in accordance with a statutory procedure, unless it is within six months of the next ordinary local elections in which case the casual vacancy will be filled at those elections.

The Role of the Council

- 1.6 The Council’s role (its “functions”) are:
 - 1.6.1 Adopting and amending the Council’s Constitution (this Constitution);
 - 1.6.2 Approving or adopting the Council’s Budget and Policy Framework;
 - 1.6.3 Setting the Council Tax;
 - 1.6.4 Subject to the urgency procedure of the Council’s Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
 - 1.6.5 Appointing and removing the Leader of the Council;
 - 1.6.6 Deciding the composition of the Council’s Committees, appointing Councillors to be members on a Committee, and agreeing and / or amending the terms of reference of the Committees;
 - 1.6.7 Appointing Councillors to represent the Council on outside bodies (unless the appointment is, or relates to, an executive function, or it has been delegated by the Council to an individual or Council body);
 - 1.6.8 Adopting, amending, revoking or replacing the Code of Conduct for Councillors, and the Council’s Arrangements for Dealing with Complaints against Councillors;

- 1.6.9 Adopting, amending, revoking or replacing the Scheme of Member Allowances;
- 1.6.10 Passing byelaws and local legislation;
- 1.6.11 Confirming and terminating the appointment of the Council's Head of Paid Service (Chief Executive) and certain Statutory Officers;
- 1.6.12 Discharging the functions which must be reserved to the Council as a matter of law;
- 1.6.13 Discharging the non-executive functions specified in this Constitution as being the responsibility of the Council;
- 1.6.14 Appointing Honorary Alderman and Honorary Freemen in accordance with Council's Scheme.

2. THE ROLE OF COUNCILLORS

All Councillors

2.1 All Councillors:

- 2.1.1 Make decisions collectively, as part of a member body or individually where they are reserved or delegated to a Councillor for decision;
- 2.1.2 Represent the Council and its interests on other bodies;
- 2.1.3 Maintain the highest standards of conduct and ethics in performing their role, and ensure they do not participate in decisions or influence decisions where the Code of Conduct for Councillors set out under Part 6 of this Constitution, or the law prohibits their participation;
- 2.1.4 Contribute to the good governance and high ethical standards of the city of Southend as a whole;
- 2.1.5 Be a community leader, actively encouraging community participation and citizen involvement in Council decision making;
- 2.1.6 Effectively represent the interests of their Ward and of individual constituents including those who did not vote for them; and
- 2.1.7 Respond to residents' enquiries and representations fairly and impartially;
- 2.1.8 Agree to comply with the Code of Conduct for Councillors and the Rules and Protocols set out under this Constitution;
- 2.1.9 Must register disclosable pecuniary interests and other interests in the Councils' Register of Member Interests within twenty-eight days of being elected, and thereafter ensure their registered interests are up to date;
- 2.1.10 Must declare interests at meetings and take appropriate action in accordance with the Code of Conduct for Councillors.

The Mayor

- 2.2 The Mayor is elected by the full Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Deputy Mayor who acts as the Mayor when the Mayor is not available.
- 2.3 The Mayor (and Deputy Mayor) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Mayor promotes public involvement in the Council's activities.
- 2.4 Although the Mayor is an elected Councillor, and has a vote, they have a duty to be impartial in carrying out the role of Mayor.
- 2.5 The Mayor presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution. The Mayor's rulings on the Constitution or on any proceedings or meetings of the

Council cannot be challenged, although their interpretation must have regard to the purposes of this Constitution and must be reasonable and lawful.

2.6 The Mayor, cannot be a member of an Overview and Scrutiny Committee.

3. THE BUDGET AND POLICY FRAMEWORK

3.1 Policy Framework means the following plans and strategies:

- a) Annual library plan (if secretary of state requests) under s1(2) of the Public Libraries and Museums Act 1964
- b) Children and young people's plan under s3 of the Children and Young People's Plan (England) Regulations 2005
- c) Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998
- d) Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004
- e) Statement of principles under s349 of the Gambling Act 2005
- f) Local Transport Plan under s108(3) of the Transport Act 2000
- g) Youth Justice Plan under s40 of the Crime and Disorder Act 1998

and additionally:

- h) Corporate plan
- i) Licensing authority policy statements under s5 Licensing Act 2003
- j) Taxi and private hire policy
- k) Community Infrastructure Levy (CIL) Charging Schedule
- l) Housing Strategy

3.2 The Budget means the following:

3.2.1 Approve a balanced Revenue Budget and specifically;

- (a) Approve the Council Tax Base
- (b) Approve the rate of Council Tax and relevant precepts
- (c) Approve the Gross Revenue Budget
- (d) Approve the net spending limit for each major service element (Directorate)

and in doing so adopt the following plans or strategies to support the delivery of the Council's budget:

- (e) Capital Investment Budget
- (f) Capital and Investment Strategy
- (g) Medium Term Financial Strategy
- (h) Reserves Strategy
- (i) Statutory council tax calculations

- (j) Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision.
- (k) Capital strategy (including an asset management plan)

4. THE COUNCIL PROCEDURE RULES

[Space Holder]

(Council Procedure Rules currently as a separate document for insertion here on agreement and finalisation)

5. THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

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6. THE HONORARY TITLES

Background

Alderman scheme

- 6.1 Under section 249 of the Local Government Act 1972 (the Act) the Council has the power to confer the title of 'Honorary Alderman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Councillors of Council, but who are no longer Councillors of the Council. The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation.
- 6.2 The Act also provides that in order to confer the title of Honorary Alderman on a former Councillor, a meeting of the full Council needs to be convened specifically for this purpose, and the resolution to confer the title of Honorary Alderman must be passed by not less than two thirds of the Councillors physically present at the meeting and entitled to vote.

Process for Nomination

- 6.3 Nominations shall only be made in the year of the Council elections.
- 6.4 Any nomination must be proposed and seconded by existing, serving Councillors of the Council.
- 6.5 Nominations received will be submitted to the Monitoring Officer who will then liaise with the Political Group Leaders and the Mayor to consider the nomination.
- 6.6 A report will then be presented to full Council to consider conferring the Honorary Alderman status on the nominated former Councillor.

Criteria

- 6.7 A person shall be deemed eligible to be enrolled as an Honorary Alderman provided that the person has served as a Councillor of the Council for a minimum of ten years in total.
- 6.8 Honorary Alderman is an apolitical role so a former Councillor appointed as an Honorary Alderman should not hold political office.
- 6.9 For the purposes of this Scheme, the term "eminent service" is left undefined to allow flexibility when determining nominations.

Term of Office

6.10 All Honorary Aldermen shall be lifetime appointments subject to the withdrawal of the title / rights and privileges set out below.

Rights and Privileges

6.11 An Honorary Alderman is entitled to the following rights and privileges:

6.11.1 To be presented with an Honorary Aldermen badge.

6.11.2 To receive the link to the electronic version of the full Council summons and agenda;

6.11.3 Free parking at each of the Council's Offices when undertaking duties;

6.11.4 To receive invitations to all civic / ceremonial and social events to which Members of the Council are invited;

Withdrawal of Title / Rights and Privileges

6.12 If an existing Honorary Alderman stands for election and is not elected, s/he shall continue in the role of Honorary Alderman. If s/he is elected to the Council as a Councillor, the title and rights shall be withdrawn.

6.13 It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and a subsequent resolution of the Council passed by not less than two thirds of the Councillors physically present at the meeting and entitled to vote on the matter. On the passing of such resolution, the Monitoring Officer shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

Application of this Scheme

6.14 This Scheme shall apply to all Honorary Aldermen of the Council.

Freedom of the City Scheme

6.15 Details of the criteria, term of office, rights, privileges and withdrawals can be found [\[insert link\]](#)