

**Meeting:** Standards Committee  
**Date:** 15 October 2024  
**Classification:** Unrestricted  
**Key Decision:** No  
**Title of Report:** Constitution Review Stage 2 Review of initial drafts of Parts 5 and 6 of the Work Programme

**Executive Director:** Claire Shuter  
**Report Author:** Susan Zeiss  
**Executive Councillor:** Cllr Daniel Cowan, Leader of the Council

## **1. Executive Summary**

- 1.1. At the meeting of Standards Committee on 7 October 2024, Committee agreed and reserved for final recommendation to Council considered Part 1 (Summary and Explanation and Public Participation) and Part 2 (The Council) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2. In addition, Committee considered initial drafts for Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) of the proposed new constitution for Southend-on-Sea City Council.
- 1.3. Committee debated and reviewed the provisions presented by Officers for these Parts 3 and 4 and requested amendments and adjustments to be drafted for review at this meeting.
- 1.4. Committee deferred consideration of Part 5 (Overview & Scrutiny) to the meeting on 15 October 2024.
- 1.4.1. Committee also agreed to consider Part 6 (Councillors) which includes the:
  - Role of Councillors and Office Holders
  - Code of Conduct for Councillors
  - Arrangements for Dealing with Complaints against Councillors
  - Protocol on Member/Officer relationships
  - Scheme of Member Allowancesat this meeting.
- 1.5. This work constitutes the ongoing Stage 4 (Drafting) of the agreed Work Programme.

## 2 Recommendations

It is recommended that Committee:

- 2.1 Notes the amended timeline for the Work Programme, as agreed by the Chair and attached as Appendix A to this report;
- 2.2 Notes the summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) its meeting on 7 October was not ready in time for publication of this report and will be circulated to Members of the Cttee and published with the report on 22 October;
- 2.3 Considers the first draft of Part 5 (Overview and Scrutiny) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix B to this report and directs officers as to any amendments and/or additions it wishes to be drafted for further review at the next meeting of Committee on 12 November 2024;
- 2.3 Considers the first draft Part 6 (Councillors) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix C to this report and directs officers as to any amendments and/or additions it wishes to be drafted for further review at the next meeting of Committee on 12 November 2024;
- 2.7. Agrees that officers bring the amended drafts of Parts 3 and 4 of the Work Programme for further consideration and agreement by Committee to its next meeting to be held on 22 October 2024.

## 3. Background

- 3.1. Standards Committee agreed at its meeting on 16 July 2024 to recommend to Council that the constitution follow the style and format of the modern style constitution, where the sections are grouped into themes which follow the functions of the council.
- 3.2. Officers have therefore divided all the required component parts of a constitution including both those required by law and those over which the Council has a discretion into parts as described in the work programme. First drafts of suggested new provisions will be brought before Committee in sequence, first for direction as to the requested drafting of provisions and thereafter at a following meeting, for that drafting to be approved by Committee for onward recommendation to Council.
- 3.3. Due to the concentrated nature of the work required to redraft the constitution, the Chair agreed to convene an additional meeting of Standards Committee on the 18 November, so as to still be able to meet the deadline for approval of the proposed new constitution by Council on 12 December 2024. Officers have therefore amended the indicative timeline for the agreed Work Programme to include the additional meeting as well as amended the allocation of work to each meeting. The amended timeline is attached at **Appendix A** to this report.

3.3. As part of the ongoing work of the Committee to review the constitution, this report brings before Committee for consideration:

3.3.1. Suggested provisions for the constitution and working of the Council's Committees which constitutes Part 5 (Overview and Scrutiny) of Stage 4 of the Work Programme and which are contained in **Appendix B** to this report; and

3.3.2. Suggested provisions for the constitution and working of Councillors which makes up Part 6 (Councillors) of Stage 4 of the Work programme and is contained in **Appendix C** to this report, namely:

- Role of Councillors and Office Holders
- Code of Conduct for Councillors
- Arrangements for Dealing with Complaints against Councillors
- Protocol on Member/Officer relationships
- Scheme of Member Allowances

#### **4. Reasons for Decisions**

4.1. Council agreed on 13 June 2024 to undertake a complete review and rewrite of its constitution.

#### **5. Other Options Considered**

5.1. The Council must have a constitution by law. Not having a complaint constitution is not an option that can be followed.

5.2. The option to amend the existing constitution in part only was discounted as it presented to great a risk of inconsistencies and inaccuracies remaining in the document. In addition, the style and format of the existing constitution required complete revision and modernisation, which would be difficult to achieve if only some parts were amended.

#### **6. Financial Implications**

6.1. At this stage there are no additional financial implications from the proposals contained within this report.

#### **7. Legal Implications**

7.1. It is a requirement of the Local Government Act 2000 that the Council has a constitution, there is a risk that the constitution in its current form may give rise to legal challenges about the Council's governance framework and decision-making procedures.

## 8. Equalities

8.1. There are no known Equalities impacts at this stage.

## 9. Consultation

9.1. Consultation with Members will be undertaken through the Standards Committee, which is a cross-party committee of Council, as well as engagement and training sessions with all councillors. The Committee will also invite suggestions and contributions from all councillors in advance of the Committee considering draft provisions.

9.2. There will be consultation with officers through engagement with all services through the drafting, decision-making and training processes.

## 10. Appendices

10.1 **Appendix A:** Amended Timeline

10.2 **Appendix B:** Initial draft of Part 5 (Overview & Scrutiny)

10.2. **Appendix C:** Initial draft of Part 6 (Councillors)

## 11. Report Authorisation

11.1

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	
Monitoring Officer	Susan Zeiss	
Executive Director(s)	Claire Shuter	
Relevant Cabinet Member(s)	Cllr Daniel Cowan	