

Southend-on-Sea Borough Council

Report of Corporate Director for Corporate Services

to
Council

on
5th June 2014

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

Agenda
Item
Nos.

The Cabinet, Cabinet Committee and the Constitution

Part 1 Public Agenda Item

1. Purpose of Report

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

2. Recommendations

- 2.1 To note the Leader's appointments to the Cabinet (and substitutes) and the details of the 7 portfolios (List A) – **Agenda Item 5**.
- 2.2 To note the Leader's appointments to the Cabinet Committee (List B) – **Agenda Item 6**.
- 2.3 To make the following changes to the Constitution (**Agenda Item 11**):
 - (a) To make it a requirement that no member of the Administration shall be a Chairman or Vice-Chairman of a Scrutiny Committee, such posts being reserved for members of the opposition groups – and to alter section 5.1(a) of Part 3 Schedule 2 of the Constitution accordingly;
 - (b) To amend the composition of the Chairmen's Scrutiny Forum (at the end of section 5 of Part 3 Schedule 2 of the Constitution) so that it comprises simply the Chairmen and Vice Chairmen of each of the 3 Scrutiny Committees;
 - (c) To amend Council Procedure Rule 31 (sub-paragraphs 31.1 and 31.6) so that there is no limitation on the number of substitutes which each group can appoint;

- (d) To increase the number of Members on the Health and Wellbeing Board from 5 to 6;
- (e) To make the following changes to Working Parties, Forums etc:
 - To reduce the size of Working Parties which currently have a membership of 9 to 8 Members, while retaining the convention that political proportionality shall apply;
 - To amend the membership of the Performance Related Pay Panel so that it comprises the Leader, the two Deputy Leaders, the two Leaders of the Opposition Groups and an Independent member.
 - To remove the following obsolete bodies – The Youth Working Party, the Youth Work Forum, the Business Ratepayers Consultative Forum and the Olympics Board.
- (f) To make any necessary changes to the Constitution consequent upon (a)-(e) above and to reflect the new titles of the portfolios.

2.4 To endorse the Council's Constitution, including the Scheme of Delegation in Part 3, Schedule 3 (incorporating the current titles of chief officers) (**Agenda Item 12**).

3. Background

3.1 Following the Local Elections on 22nd May 2014, the make-up of the Council is as follows:

Conservative:	19
Independent:	13
Labour:	9
Liberal Democrat:	5
UKIP:	5

3.2 Appropriate notices have been received under the Local Government (Committees and Political Groups) Regulations 1990 to the effect that all 13 Independent members are now members of the Independent Group.

3.3 The Independent, Labour and Liberal Democrat Groups have agreed to work as a Joint Administration. This report is drafted on the basis that the Joint Administration will be duly constituted and that the Council will appoint Councillor Woodley as the Leader of the Council.

That being the case, details of the 7 revised portfolios and the Members who will make up the Cabinet (and the Cabinet Committee) will be circulated at the meeting for the Council to note (**Agenda Items 5 and 6**).

Under Article 7 of Part 2 of the Constitution and in accordance with the law it is for the Leader to decide on the portfolios and to appoint the other Members to his Cabinet and the 3 Cabinet members to the Cabinet Committee.

- 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 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 5 Groups on the Council. A list (List C) will be circulated at the Council meeting for the Council to endorse and also for the Council to appoint the relevant Chairmen and Vice Chairmen (**Agenda Items 7 and 8**).
- 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 5 Groups on the Council. A List (List D) will be circulated at the Council meeting for the Council to endorse and also for the Council to appoint the relevant Chairmen and Vice Chairmen (**Agenda Items 9 and 10**).
- 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 12**).
- 3.8 I have been asked to make several minor amendments to the Constitution in connection with Committees, Working Parties, Panels, Forms etc and it is necessary for the Council to agree these changes before we proceed to items 7-10 (**Agenda Item 11 refers**). The current version of the Constitution is on the intranet and the Council's website.

The proposed changes to the Constitution are as follows:

- (a) To make it a requirement that no member of the Administration shall be a Chairman or Vice-Chairman of a Scrutiny Committee, such posts being reserved for members of the opposition groups – and to alter section 5.1(a) of Part 3 Schedule 2 of the Constitution accordingly;
- (b) To amend the composition of the Chairmen's Scrutiny Forum (at the end of section 5 of Part 3 Schedule 2 of the Constitution) so that it comprises simply the Chairmen and Vice Chairmen of each of the 3 Scrutiny Committees;

- (c) To amend Council Procedure Rule 31 (sub-paragraphs 31.1 and 31.6) so that there is no limitation on the number of substitutes which each group can appoint;
- (d) To increase the number of Members on the Health and Wellbeing Board from 5 to 6;
- (e) To make the following changes to Working Parties, Forums etc:
 - To reduce the size of Working Parties which currently have a membership of 9 to 8 Members, while retaining the convention that political proportionality shall apply;
 - To amend the membership of the Performance Related Pay Panel so that it comprises the Leader, the two Deputy Leaders, the two Leaders of the Opposition Groups and an Independent member.
 - To remove the following obsolete bodies – The Youth Working Party, the Youth Work Forum, the Business Ratepayers Consultative Forum and the Olympics Board.
- (f) To make any necessary changes to the Constitution consequent upon (a)-(e) 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, including the Scheme of Delegation in Part 3, Schedule 3 (incorporating the current titles of chief officers).

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

None