

# Public Document Pack

## Southend-on-Sea Borough Council

### Legal & Democratic Services

Strategic Director: John Williams

📍 Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ER

☎ 01702 215000

🌐 [www.southend.gov.uk](http://www.southend.gov.uk)

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16 May 2019

Dear Councillor

### THE COUNCIL - THURSDAY, 16TH MAY, 2019

Please find enclosed, for consideration at the next meeting of the The Council taking place on Thursday, 16th May, 2019, the following report that was unavailable when the agenda was printed.

Agenda No	Item
3	<b>Political Groups, Cabinet, Changes to the Constitution and the Calendar of Meetings for 2019/20</b> Report of Strategic Director (Legal & Democratic Services)

Yours faithfully

Tim Row  
Principal Democratic Services Officer

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# Southend-on-Sea Borough Council

Agenda  
Item No.

3

## Report of Strategic Director (Legal and Democratic Services)

to  
Council

on  
16<sup>th</sup> May 2019

Report prepared by: John Williams  
Strategic Director (Legal & Democratic Services)

### Political Groups, Cabinet, Changes to the Constitution and the Calendar of Meetings for 2019/20

#### Part 1 (Public Agenda Item)

#### 1. Purpose of Report

For the Council to:

- Note the details of the Political Groups, following the Local Elections on 2nd May 2019;
- Note the details of the new Cabinet and Cabinet Committee appointed by the Leader of the Council;
- Agree minor changes to the Constitution; and
- Confirm the calendar of meetings for 2019/20

#### 2. Recommendations

2.1 To note that following the Local Elections on 2<sup>nd</sup> May 2019, the make-up of the Council is as follows:

• Conservative Group	20
• Labour Group	14
• Independent Group	11
• Liberal Democrat Group	5
• Non-aligned independent (Cllr Aylen)	<u>1</u>
	<u>51</u>

2.2 To note the changes to the numbers, titles and responsibilities of Cabinet Members which have been made by the Leader of the Council as set out in **Appendix 1** - and to note that these changes will be reflected in an amendment to Schedule 1(a) of Part 3 to the Constitution.

2.3 To note the appointments to the Cabinet (and substitutes) made by the Leader of the Council (including the arrangements for the Deputy Leader) as set out in **List A** to be circulated at the meeting.

- 2.4 To note the appointments to the Cabinet Committee (and substitutes) made by the Leader of the Council as set out in **List B** to be circulated at the meeting.
- 2.5 To agree that amendments be made to the Terms of Reference of the Shareholder Board as set out in **Appendix 2** so that councillors can have oversight of all Corporate Vehicles - and that section 4.6 of Schedule 2 of Part 3 of the Constitution be amended accordingly.
- 2.6 To endorse the Council's Constitution, including the Scheme of Delegation in Part 3, Schedule 3.
- 2.7 To confirm the calendar of meetings for 2019/20 as set out in **Appendix 3** with two amendments to the draft version previously considered by Council, namely the moving of the June Cabinet meeting to Tuesday 25<sup>th</sup> June 2019 and an additional Council meeting on Thursday 27<sup>th</sup> February 2020.

### 3. Background

- 3.1 In accordance with Article 7 in Part 2 of the Constitution and in accordance with the law, the Leader of the Council has confirmed that:
- He has increased the number of portfolios from 7 to 9. (The Leader has also confirmed that the additional cost of this increase in numbers will be contained within the existing Council budget: The 9 Cabinet Members will take a proportionate reduction in their Special Responsibility Allowances);
  - He has made changes to the titles and responsibilities of portfolios as set out in **Appendix 1**;
  - The councillors who will make up the Cabinet (and substitutes) are as set out in **List A** to be circulated at the meeting; and
  - The councillors who will make up the Cabinet Committee (and substitutes) are as set out in **List B** to be circulated at the meeting.
- 3.2 In terms of places on relevant Committees and Sub-Committees, these will be allocated on the basis of political proportionality to nominees of the 4 political groups on the Council; with the remaining places being allocated to the non-aligned councillor.
- Councillor Aylen has confirmed that he wants his 3 places on Appeals Committee A, General Purposes Committee and Licensing Committee to be reallocated to other councillors. This reallocation of the seats would result in a non-proportional arrangement: If such arrangement was wanted, then this would have to be agreed by the Council and no-one voting against - see S.17(1) of the Local Government and Housing Act 1989 and Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. In the absence of such unanimity, these 3 Committee places would remain with Councillor Aylen.

This matter, together with appointment of Chairs and Vice Chairs, is dealt with at **Agenda Items 4 and 5** and **List C** will be circulated at the meeting for the Council to agree.

- 3.3 In terms of appointments to Working Parties, Forums, Panels etc., these will also be allocated, by convention, on the basis of political proportionality to nominees of the 4 political groups on the Council.
- This matter, together with appointment of Chairs and Vice Chairs, is dealt with at **Agenda Items 6 and 7** and **List D** will be circulated at the meeting for the Council to agree.
- 3.4 In terms of appointments to Outside Bodies, these will be dealt with by the Council and **List E** will be circulated at the meeting for Council to agree. (**Agenda Item 8**).
- 3.5 Minor amendments are proposed to the Terms of Reference of the Shareholder Board in Section 4.6 of Schedule 2 of Part 3 of the Constitution as set out in **Appendix 2**.  
The amendments will ensure that councillors can have oversight of all Corporate Vehicles and the Cabinet representation has been reduced from 4 to 3 (Leader, Deputy, plus one).
- 3.6 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 it is recommended that the Council endorses the Council's Constitution (which is on the Internet and Intranet), including the Scheme of Delegation in Part 3, Schedule 3.
- 3.7 To confirm the calendar of meetings for 2019/20 as set out in **Appendix 3** with two amendments to the draft version previously considered by Council, namely the moving of the June Cabinet meeting to Tuesday 25<sup>th</sup> June 2019 and an additional Council meeting on Thursday 27<sup>th</sup> February 2020.

#### **4. Background Papers**

None

#### **5. Appendices**

**Appendix 1** – Changes to the numbers, titles and responsibilities of portfolios (Part 3 Schedule 1(a) of the Constitution)

**Appendix 2** - Changes to the Terms of Reference of the Shareholder Board

**Appendix 3** - Calendar of Meetings for 2019/20.

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## Schedule 1(a) – The Portfolios

### 1. LEADER

- Business Regeneration and Liaison
- Corporate Budget and Resource Planning
- Corporate Planning and Strategic Direction
- Corporate Project Management
- Economic Development & Support
- Emergency Planning (Strategic)
- Major Events & Initiatives
- Media & Communications
- National and Regional Affairs (including Partnerships, LEP, Thames Gateway etc.)
- Performance Delivery
- Planning Policy, Conservation & Building Control
- Regeneration (Lead Responsibility)
- Risk Management
- Sea and Foreshore Defences (Strategic)

### 2. HOUSING (+ Deputy Leader)

- Asylum Seekers
- Development of Affordable Housing
- Homelessness
- Housing Advice & Allocations
- Housing Development Programme
- Housing Management (including ALMO)
- Housing Strategy
- Liaison with Regional Housing Boards and RSLs
- Private Sector Housing Standards and Grants
- Queensway Development
- Supporting People

### 3. CULTURE, HERITAGE, SPORT & TOURISM

- Heritage
- Leisure Management Contract
- Library Services
- Marketing
- Museums & Galleries
- Pier & Foreshore
- Sport Development
- Theatres
- Tourism
- Town Centre Management

#### **4. COMMUNITY SAFETY**

- CCTV
- Community Safety
- Emergency Planning & Business Continuity
- Fire Safety (Strategic)
- Food Hygiene & Safety
- Health & Safety (External)
- Licensing & Policy Implementation (Except Highways & Transport Licensing)
- Noise
- Police Community Liaison
- Public Spaces Protection Orders
- Trading Standards

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

- Air Quality (Health Implications)
- Assessment and Care
  - older people
  - people with learning difficulties
  - people with physical and sensory difficulties
- Carers Support
- Court of Protection & Financial Administration of Individuals
- Drugs & Alcohol Service
- Equipment Store
- First Contact
- Health and Well Being Partnership
- Health Inequalities (Lead)
- Home Care
- Hospital Assessment, Rapid Response & Collaborative Care
- Joint Commissioning
- Localities
- Mental Health Services
- Occupational Therapy
- Public Health
- Sustainability & Transformation Partnership (STP)

#### **6. TRANSPORT**

- Car Parks and all Car Parking matters
- Concessionary Fares
- Engineering (Bridges and Structures)
- Highways (including maintenance)
- Street signs and all signage
- Transport (including Public Transport, Transport Policy & Licensing)



## **7. ENVIRONMENT**

- Air Quality (Strategic)
- All matters relating to Trees, Plants, Grass Verges and other Flora
- Alleyways
- Cemeteries & Crematorium
- Cleansing of highways and public realm
- Climate Change, Sustainability & Energy Saving
- Environmental Health & Protection
- Graffiti Control
- Green Grid Development
- Grounds Maintenance
- Marine & Maritime affairs
- Parks and Amenity management
- Public Toilets
- Waste Collection, Disposal, Management, Recycling & Sanitation

## **8. ICT, CORPORATE & COMMUNITY SUPPORT SERVICES**

- Action to address Poverty
- Asset Management & Commercial
- Audit
- Civic Affairs
- Civic Buildings and Facilities Management
- Commemorations including Holocaust
- Community Cohesion
- Council Tax & Business Rates
- Councillor's ICT
- Customer Services
- Dial a Ride
- Digital Strategy
- Equality & Diversity
- Financial Services (including Insurance etc.)
- Health & Safety (Internal)
- Housing Benefit
- Human Resources
- ICT
- Legal Services, Land Charges & Democratic Services
- Organisational Development
- Partnership Performance Delivery
- Passenger Transport / Vehicle Fleet
- Procurement
- Property Support and Maintenance
- Registration & Bereavement Services
- Support to the Third Sector
- Telecommunications

## **9. CHILDREN & LEARNING**

- Adult & Community Learning
- Behaviour Support, Social Inclusion & Exclusions
- Better Start, Fulfilling Lives
- Children's Centres, Nurseries, Child Care
- Children & Family Social Care Fieldwork Services
- Children's Services
- Child Exploitation
- Child Protection and Safeguarding
- Early Help
- Educational Psychology
- Fostering and Adoption
- Inter- Agency Co-operation to improve the Well Being of Children
- Leaving Care & Youth Support
- 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



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### 4.6 Shareholder Board

#### 4.6.1 Membership

8 Councillors including the Leader, Deputy Leader and one other Cabinet Member

No Councillor who sits on the board of a Corporate Vehicle (as defined below) can attend a Shareholder Board meeting considering that particular Corporate Vehicle.

The Chair shall be the Leader or such other Cabinet Member as the Leader shall appoint.

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention proportionality shall apply.

#### 4.6.2 Quorum

3

#### 4.6.3 Terms of Reference

- a) To provide an effective means of governance for Corporate Vehicles and to oversee their activities.  
(A "Corporate Vehicle" will include any wholly or partly owned Council company or a limited liability partnership whereby the Council is a partner (equal or otherwise); but this definition shall not include any Trust (charitable or otherwise) whereby the Council is the Trustee.)
- b) To represent the Council's interests as shareholder or partner and to communicate the Council's views to the Corporate Vehicles, including the contribution the Corporate Vehicle can make to the achievement of the Council's strategic objectives.
- c) To safeguard the Council from excessive risk taking or poor performance by the Corporate Vehicles.
- d) To provide assurance that the Council and the Corporate Vehicles are following their legal obligations, the strategic direction and objectives which have been agreed and the Corporate Vehicles are delivering their service and appropriate financial performance, in accordance with their reported results compared to their stated business plan.
- e) To make recommendations to Cabinet as to any action which needs to be taken as shareholder or partner of any Corporate Vehicle.

- f) To consider the implications of management information that will be prepared for each Shareholder Board meeting to include:
  - Year to date Corporate Vehicle's performance report, financial report and details of significant events compared to the targets previously agreed; and
  - Any significant commercial and legal risks to the Council as shareholder or partner, highlighting the potential impact and likelihood of occurrence.
- g) To consider points (a) to (f) in relation to each Corporate Vehicle, taking into account the degree of control and influence of the Council within the Corporate Vehicle and such guidance and advice provided by Officers in relation to that Corporate Vehicle.

#### **4.6.4 Status of Meetings**

Open to the public – save in respect of Part 2 Business.

#### **4.6.5 Reports to**

Cabinet

## Calendar of Meetings 2019-20

Appendix 3

### 2019

#### MAY

##### ANNUAL COUNCIL

COUNCIL (Appointment of Committees etc.)

3.30pm

6.30pm

Thursday, 9th May

Thursday 16th May

#### JUNE

Development Control Committee

2 00pm

Wednesday, 5th June

Cabinet Committee

6 00pm

Thursday, 6th June

Southend Health and Wellbeing Board

5 00pm

Wednesday, 12th June

##### CABINET

2.00pm

**Tuesday, 25th June**

Cabinet Committee (PVX)

6.00pm

Thursday, 27th June

#### JULY

Development Control Committee

2.00pm

Wednesday, 3rd July

Place Scrutiny Committee

6.30pm

Monday, 8th July

People Scrutiny Committee

6 30pm

Tuesday, 9th July

Policy and Resources Scrutiny Committee

6.30pm

Thursday, 11th July

Shareholder Board

6.30pm

Tuesday, 16th July

##### COUNCIL

6.30pm

**Thursday, 18th July**

Audit Committee

6.30pm

Wednesday, 24th July

Development Control Committee

2 00pm

Wednesday 31st July

#### SEPTEMBER

Southend Health and Wellbeing Board

5 00pm

Wednesday, 4th September

Development Control Committee

2.00pm

Wednesday, 11th September

Cabinet Committee

6 00pm

Thursday, 12th September

##### CABINET

2.00pm

**Tuesday, 17th September**

Cabinet Committee (PVX)

6 00pm

Tuesday, 24th September

#### OCTOBER

Development Control Committee

2.00pm.

Wednesday, 2nd October

Place Scrutiny Committee

6.30pm

Monday, 7th October

People Scrutiny Committee

6 30pm

Tuesday, 8th October

Policy and Resources Scrutiny Committee

6 30pm

Thursday, 10th October

Shareholder Board

6.30pm

Wednesday, 16th October

Audit Committee

6 30pm

Wednesday, 23rd October

##### COUNCIL

6.30pm

**Thursday, 24th October**

#### NOVEMBER

Cabinet Committee

6 00pm

Monday, 4th November

##### CABINET

2.00pm

**Tuesday, 5th November**

Development Control Committee

2.00pm

Wednesday, 6th November

Cabinet Committee (PVX)

6 00 pm

Tuesday, 12th November

Place Scrutiny Committee

6 30pm

Monday, 25th November

People Scrutiny Committee

6 30pm

Tuesday, 26th November

Policy and Resources Scrutiny Committee

6 30pm

Thursday, 28th November

#### DECEMBER

Southend Health and Wellbeing Board

5 00pm

Wednesday, 4th December

Development Control Committee

2.00pm

Wednesday, 11th December

##### COUNCIL

6.30pm

**Thursday, 12th December**

## 2020

### JANUARY

Cabinet Committee	6 00pm	Monday, 6 <sup>th</sup> January
Development Control Committee	2 00pm	Wednesday, 8 <sup>th</sup> January
Cabinet Committee (PVX)	6 00 pm	Tuesday, 14 <sup>th</sup> January
Audit Committee	6.30pm	Wednesday, 15 <sup>th</sup> January
<b>CABINET (including initial Council Budget consideration)</b>	<b>2.00pm</b>	<b>Thursday, 16<sup>th</sup> January</b>
Southend Health and Wellbeing Board	5 00pm	Wednesday, 22 <sup>nd</sup> January
Place Scrutiny Committee	6 30pm	Tuesday, 28 <sup>th</sup> January
People Scrutiny Committee	6.30pm	Wednesday, 29 <sup>th</sup> January
Policy and Resources Scrutiny Committee	6.30pm	Thursday, 30 <sup>th</sup> January

### FEBRUARY

Development Control Committee	2.00pm	Wednesday, 5 <sup>th</sup> February
<b>CABINET (Council Budget)</b>	<b>2.00pm</b>	<b>Tuesday, 11<sup>th</sup> February</b>
<b>COUNCIL</b>	<b>6.30pm</b>	<b>Thursday, 20<sup>th</sup> February</b>
Cabinet Committee	6.00pm	Monday, 24 <sup>th</sup> February
<b>CABINET</b>	<b>2.00pm</b>	<b>Tuesday, 25<sup>th</sup> February</b>
Shareholder Board	6 30pm	Wednesday, 26 <sup>th</sup> February
<b>COUNCIL</b>	<b>6 30pm</b>	<b>Thursday 27<sup>th</sup> February</b>

### MARCH

Development Control Committee	2.00pm	Wednesday, 4 <sup>th</sup> March
Cabinet Committee (PVX)	6 00pm	Tuesday, 10 <sup>th</sup> March
Place Scrutiny Committee	6 30pm	Monday, 16 <sup>th</sup> March
People Scrutiny Committee	6 30pm	Tuesday, 17 <sup>th</sup> March
Policy and Resources Scrutiny Committee	6 30pm	Wednesday, 18 <sup>th</sup> March
<b>COUNCIL</b>	<b>6.30pm</b>	<b>Thursday, 26<sup>th</sup> March</b>

### APRIL (NB: Maundy Thursday 9<sup>th</sup> April, Good Friday 10<sup>th</sup> April, Easter Monday 13<sup>th</sup> April)

Development Control Committee	2 00pm	Wednesday, 1 <sup>st</sup> April
Audit Committee	6 30pm	Wednesday, 29 <sup>th</sup> April

### MAY

<b>ANNUAL COUNCIL</b>	<b>3.30pm</b>	<b>Thursday, 14<sup>th</sup> May</b>
<b>COUNCIL (Appointment of Committees etc.)</b>	<b>6.30pm</b>	<b>Thursday 21<sup>st</sup> May</b>
Development Control Committee	2 00pm	Wednesday, 3 <sup>rd</sup> June

**NOTE: Cabinet Committee dates are provisional only, depending on there being business to transact**

**Holocaust Memorial Day Commemoration Service – 27 January 2020**

*School Term Dates:*

Summer Term starts Tuesday 23<sup>rd</sup> April 2019 – Wednesday 24<sup>th</sup> July 2019

Half Term 27<sup>th</sup> May – 31<sup>st</sup> May, and May Bank Holiday, 6<sup>th</sup> May

Autumn Term starts Tuesday 3<sup>rd</sup> September 2019 – Thursday 19<sup>th</sup> December 2019

Half Term 28<sup>th</sup> October – 1<sup>st</sup> November

Spring Term starts Monday 6<sup>th</sup> January 2020 – Friday 3<sup>rd</sup> April 2020

Half Term 17<sup>th</sup> February – 21<sup>st</sup> February

2020 Summer Term starts Monday 20<sup>th</sup> April 2020

**Note:**

**Lib Dem Conference: - 14<sup>th</sup> – 17<sup>th</sup> September 2019**

**Labour Conference: - 22 - 25 September 2019**

**Conservative Conference: - 29<sup>th</sup> September – 2<sup>nd</sup> October 2019**