

Southend-on-Sea Borough Council

Agenda
Item No.

3

Report of Director of Legal and Democratic Services

to
Council
on
18th May 2017

Report prepared by: John Williams
Director of Legal & Democratic Services

Changes Political Groups, Cabinet and the Constitution

Part 1 (Public Agenda Item)

1. Purpose of Report

For the Council to note changes to the political groups and the Cabinet - and to agree minor changes to the Constitution.

2. Recommendations

- 2.1 To note that changes have been made to the political groups on the Council such that there are now 4 political groups and the make-up the Council is as follows:
- Conservative Group – 27
 - Independent Group – 10
 - Labour Group – 10
 - Liberal Democrat Group – 2
 - Unaligned Independent (Councillor Aylen) – 1
 - Vacancy (Shoeburyness) – 1
- 2.2 To note the changes to the titles and responsibilities of portfolios 3, 4 and 5 which have been confirmed 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 Part 3 Schedule 1(a) of 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 the following minor changes to the Constitution:
- (a) That all the Working Parties, Forums and Panels listed in Part 3 Schedule 2 which currently have a membership of 8 councillors shall henceforth have a membership of 9 councillors.
 - (b) That Standing Order 7.4(b) in Part 4(a) be amended as set out in **Appendix 2** so that black-lined minutes will automatically be available for debate at Council meetings, without the need for them to be reserved.
- 2.6 To endorse the Council's Constitution, including the Scheme of Delegation in Part 3, Schedule 3.

3. Background

- 3.1 Notices have been served on the Acting Chief Executive pursuant to the Local Government (Committees and Political Groups) Regulations 1990 confirming that:
- Councillors McGlone, Moyies and Waterworth have joined the Conservative Group; and
 - Councillors Callaghan and Davies have joined the Independent Group.

As a consequence of these Notices, the Southend Independence Group (SIG) and the UKIP Group have ceased to be constituted as political groups on the Council and the political make-up of the Council is now as set out in recommendation 2.1.

As a further consequence of these changes, the Memorandum of Understanding dated 9th May 2016 made between the Conservative and UKIP Groups (which was not a Council document) has ceased to have any effect; notice having been given to confirm this.

- 3.2 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 made changes to the titles and responsibilities of portfolios 3, 4 and 5 as set out in **Appendix 1**;
 - The Members who will make up the Cabinet (and substitutes) are as set out in **List A** to be circulated at the meeting; and
 - The Members who will make up the Cabinet Committee (and substitutes) are as set out in **List B** to be circulated at the meeting.
- 3.3 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 Member.

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

- 3.4 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 Chairmen and Vice Chairmen, is dealt with at **Agenda Items 6 and 7** and **List D** will be circulated at the meeting for the Council to agree. List D reflects the change referred to in 3.6(a) below.

- 3.5 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**).

- 3.6 Two minor amendments are proposed to the Constitution:

(a) The Leader has asked that all of the Working Parties, Forums and Panels listed in Part 3 Schedule 2 of the Constitution which currently have a membership of 8 councillors shall henceforth have a membership of 9 councillors.

(b) That Standing Order 7.4(b) in Part 4(a) be amended as set out in **Appendix 2** so that black-lined minutes will automatically be available for debate at Council meetings, without the need for them to be reserved. This should remove any confusion and if a matter is reserved or referred-up to Council then it is appropriate that the Council can always consider it.

- 3.7 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.

4. Background Papers

None

5. Appendices

Appendix 1 – Changes to the titles and responsibilities of portfolios 3, 4 and 5 (Part 3 Schedule 1(a) of the Constitution)

Appendix 2 – Proposed amendment to Standing Order 7.4 in Part 4(a) of the Constitution.