

Southend-on-Sea Borough Council

Agenda
Item No.

3a

Report of Director of Legal and Democratic Services

to
Council
on
17th May 2018

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

Political Groups, Cabinet and Changes to the Constitution

Part 1 (Public Agenda Item)

1. Purpose of Report

For the Council to:

- Note changes to the political groups following the Local Elections on 3rd May 2018;
- Note the details of the new Cabinet and Cabinet Committee appointed by the Leader of the Council;
- Agree minor changes to the Constitution.

2. Recommendations

- 2.1 To note that following the Local Elections on 3rd May 2018 the make-up of the Council is as follows:
- Conservative Group – 29
 - Labour Group – 11
 - Independent Group – 8
 - Liberal Democrat Group – 2
 - Unaligned Independent (Councillor Aylen) – 1
- 2.2 To note the changes to the titles and responsibilities of portfolios 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 the quorum for the Cabinet be reduced from 5 to 3 members;
 - (b) To reduce the size of Working Parties, Forums and Panels (listed in Part 3 Schedule 2) which currently have a membership of 9 to 8 Members, while retaining the convention that political proportionality shall apply;
 - (c) That minor amendments be made to the terms of reference of the Health & Wellbeing Board as set out in **Appendix 2** and that Schedule 2 of Part 3 of the Constitution be amended accordingly.
 - (d) That minor amendments be made to the Terms of Reference of the Place Scrutiny Committee and Scrutiny Procedure Rule 15(d)(ii) as set out in **Appendix 3** and that Schedule 2 of Part 3 of the Constitution be amended accordingly.
 - (e) That a minor amendment be made to paragraph 5.1(b)(iii) of the Terms of Reference of the People Scrutiny Committee in Part 3, Schedule 2, with the deletion of the following text - '*through election amongst voluntary organisations in the Town*'.
 - (f) That the requirement that the Council nominee(s) to four specific outside bodies shall submit summary reports to the Policy & Resources Scrutiny Committee be deleted and that Article 4.02(3)(e) in Part 2 of the Constitution be amended accordingly.
 - (g) That amendments be made to Contracts Procedure Rules as set out in **Appendix 4** and that Part 4g of the Constitution be amended accordingly.
- 2.6 To endorse the Council's Constitution, including the Scheme of Delegation in Part 3, Schedule 3.

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 reduced the number of portfolios from 8 to 7 and, as a consequence it is proposed that the quorum for the Cabinet be reduced from 5 to 3;
 - He has made changes to the titles and responsibilities of portfolios 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.
- 3.2 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 unaligned Member. Councillor Aylen has confirmed that he wants his 3 places on Appeals Committee B, General Purposes Committee and Standards

Committee to be reallocated to other members. The 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 Ayles.

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.

- 3.3 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 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 3.5(b) below.

- 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 7 minor amendments are proposed to the Constitution as follows:

- (a) That the quorum for the Cabinet be reduced from 5 to 3 Members to represent its reduced size;
- (b) To reduce the size of Working Parties, Forums and Panels which currently have a membership of 9 to 8 Members, while retaining the convention that political proportionality shall apply;
- (c) There have been a number of developments and changes since the Health & Wellbeing Board was first established and therefore minor changes to the terms of reference of the Board need to be made to bring them up-to-date as shown in **Appendix 2**;
- (d) The Better Queensway Project needs to be the subject to thorough scrutiny as it proceeds. This task can be carried out most effectively if it is undertaken by one Scrutiny Committee. It is recommended that this should be the Place Scrutiny Committee and this necessitates a small amendment to the terms of reference of that Scrutiny Committee. A minor amendment is also required to Scrutiny Procedure Rules 15(d)(ii) to clarify that the Better Queensway Regeneration Project can only be called in to the Place Scrutiny Committee and no other Scrutiny Committee. These amendments are shown in **Appendix 3**;
- (e) To amend the wording of the Terms of Reference of the People Scrutiny Committee in Part 3, Schedule 2 para 5.1 (b) (iii), to be less prescriptive and to provide more flexibility in the appointment of voluntary and community sector co-opted members. This involves the deletion of the words '(through election amongst voluntary organisations in the Town)';

- (f) In 2015 the Council agreed that the Council nominee(s) to four specific outside bodies would submit summary reports to the Policy & Resources Scrutiny Committee twice yearly. This has happened but in practice there has been little, if any, debate on the reports and does not seem to be an efficient use of the Scrutiny Committee's time. Therefore it is recommended to delete the requirement set out in Article 4.02(3)(e) in Part 2 of the Constitution ("Other Functions of the Full Council");
- (g) Although changes to the Contracts Procedure Rules were considered by Council on 22nd February 2018, more comprehensive amendments are now proposed to supersede the original proposals. The proposed amendments are shown in **Appendix 4**.

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.

4. Background Papers

None

5. Appendices

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

Appendix 2 - Changes to the Terms of Reference of the Health & Wellbeing Board

Appendix 3 - Changes to the Terms of Reference of the Place Scrutiny Committee and Scrutiny Procedure Rules

Appendix 4 – Changes to Contracts Procedure Rules (Part 4g of the Constitution).