

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Strategic Director (Legal and Democratic
Services)

to
Council

on

13 December 2018

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

Changes to the Constitution

Part 1 - Public Agenda Item

1. Purpose of Report

For the Council to agree minor changes to the Constitution which have been discussed in advance with the Group Leaders.

2. Recommendations

- 2.1 That amendments be made to Council Functions as set out in Appendix 1 and that paragraph 4 of Article 4 in Part 2 of the Constitution be amended accordingly.
- 2.2 That amendments be made to the terms of reference of the Audit Committee, the Senior Managers Pay Panel and the Shareholder Board as set out in Appendix 2 and that Part 3 Schedule 2 of the Constitution be amended accordingly.
- 2.3 That amendments be made to Delegations to Officers in respect of Council management companies, RIPA and Regulatory Services as set out in Appendix 3 and that Part 3 Schedule 3 of the Constitution be amended accordingly.
- 2.4 That amendments be made to Standing Order 19.2 (Opposition Business) and Standing Order 37 (Attendance at Working Parties, Panels & Forums) as set out in Appendix 4 and that Part 4(a) of the Constitution be amended accordingly.
- 2.5 That a minor amendment be made to paragraph 6.2 of the Members' Code of Conduct as set out in Appendix 5 and that Part 5(a) of the Constitution be amended accordingly.
- 2.6 That throughout the Constitution the following terms shall be used: "councillor", "Cabinet Member" and "the Chief Executive" and the variations which currently exist will be amended accordingly.

3. Background

- 3.1 Minor amendments are required to the functions of the full Council to reflect legislative change and titles of documents in the Council's Policy Framework. The proposed changes to paragraph 4 of Article 4 of Part 2 of the Constitution are set out in **Appendix 1**.
- 3.2 Amendments are being recommended to the terms of reference of the following bodies in Part 3 Schedule 2 of the Constitution as set out in **Appendix 2**:
- a) Audit Committee – Three minor changes recommended by the Head of Internal Audit.
 - b) The Senior Managers Pay Panel – minor change to membership recommended by the Strategic Director (Transformation).
 - c) Shareholder Board – minor change to membership details.
- 3.3 Amendments are being recommended to the Delegations to Officers in Part 3 Schedule 3 of the Constitution as set out in **Appendix 3**:
- a) Minor alterations to delegations to the Strategic Director of Finance & Resources and the Head of Corporate Property & Asset Management to ensure the smooth running of estate management functions, for example in connection with the Council's management company for the Airport Business Park.
 - b) Minor changes to Special Scheme of Delegation re RIPA to reflect current management structures.
 - c) Minor changes to Special Scheme of Delegation re regulatory services to reflect current management structures.
- 3.4 Two amendments are being recommended to Standing Orders in Part 4(a) of the Constitution as set out in **Appendix 4**:
- a) Opposition Business – minor change to S.O. 19.2 requiring details of the motion to be moved (at the end of the debate) to be submitted at least 24 hours before the Council meeting.

This makes the procedure work much more efficiently and in any event has been the practice adopted by Political Groups using Opposition Business. Also, it removes a problem around the recently introduced closure arrangements in S.O. 1.7 which assumes a motion is on the table.
 - b) Councillor attendance at Working Parties, Panels & Forums – more comprehensive explanation of the situation to be added to S.O. 37.
- 3.5 A very small change is being recommended to paragraph 6.2 of the Members' Code of Conduct in Part 5(a) of the Constitution to make the wording clear, as set out in **Appendix 5**.

3.6 The terms “councillor“ and “Member” are used throughout the Constitution. It is proposed that “councillor “ only is used, as this term is more readily understood by the public.

Similarly for consistency, it is proposed that the term “Cabinet Member “ will be used rather than “Executive Councillor” or “Portfolio holder”.

Finally, it is proposed that the Head of Paid Service will be referred to consistently as “the Chief Executive”.

4. Background Papers

None

5. Appendices

Appendix 1 - Proposed amendments to paragraph 4 of Article 4 in Part 2 of the Constitution

Appendix 2 - Proposed amendments to Part 3 Schedule 2 of the Constitution

Appendix 3 - Proposed amendments to Part 3 Schedule 3 of the Constitution

Appendix 4 - Proposed amendments to Part 4(a) of the Constitution

Appendix 5 - Proposed amendments to Part 5(a) of the Constitution