

Southend-on-Sea Borough Council

Agenda
Item No.

Corporate Director for Corporate Services

to
Council

on
25th February 2016

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

Changes to the Constitution

Part 1 Public Agenda Item

1. Purpose of Report

To recommend a minor change to the Constitution.

2. Recommendation

That a minor amendment be made to the Terms of Reference of the General Purposes Committee in Part 3 Schedule 2 of the Constitution as set out in Appendix 1.

3. Background

3.1 The Terms of Reference of the General Purposes Committee in paragraph 6.7 of Part 3 Schedule 2 of the Constitution set out a number of specific matters for which the Committee is responsible. There is also a general delegation in 6.7(e) "To deal with any other non-executive functions not assigned to any other committees or not reserved to Council".

3.2 A committee of the Council will shortly need to consider and determine an application to register land at Shoebury Common as a Village Green following a Public Inquiry. The General Purposes Committee is the appropriate body to undertake this non-executive function and the general delegation in 6.7(e) referred to in 1 (above) is broad enough to provide for this.

However, as a belt and braces approach it is recommended that the General Purposes Committee is given a specific delegation to deal with Town or Village Green applications. Accordingly it is recommended that a minor amendment is made to the terms of reference of the Committee as shown underlined in Appendix 1.

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 and the changes are required for the efficient administration of 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

Appendix 1 – Proposed amendments to section 6.7 of Part 3 Schedule 2 of the Constitution

Part 3 Schedule 2 – Section 6.7

6.7 General Purposes Committee

6.7.1 Membership

9 Members of the Council

Substitutes: Permitted in accordance with Standing Order 31
Proportionality: Applies

6.7.2 Quorum

As per Standing Order 38.1

6.7.3 Terms of Reference

- (a) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.
- (b) All matters relating to Public Rights of Way set out in Part 1 of Schedule 1 to the Functions Regulations and non-executive highway functions and functions relating to trees, hedgerows and pavements.
- (c) All functions relating to elections, the name and status of the area and individuals, including the responsibility for recommending to the Council the making or amending of bye laws, approving the Council’s accounts, discharging the Council’s functions under S.151 Local Government Act 1972, payments for maladministration, etc, as set out in Schedule 1 to the Functions Regulations.
- (d) The Enforcement of Byelaws.
- (e) To undertake all functions relating to the registration of common land and Town & Village Greens.
- (f) To judge applications and make recommendations to the Council for the award of Freedom of the Borough and conferring the title of Honorary Alderman / Honorary Alderwoman.
- (g) To consider and determine nominations in respect of other honours and awards introduced from time to time by the Council.
- (h) To deal with any other non-executive functions not assigned to any other Committees or not reserved to Council.

6.7.4 Status of Meetings

Open to the public

6.7.5 Reports to

The Council