

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Strategic Director (Legal and Democratic Services)

to
Council
on
16th 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 2nd 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 25th June 2019 and an additional Council meeting on Thursday 27th 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 25th June 2019 and an additional Council meeting on Thursday 27th 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.