

Southend-on-Sea Borough Council

Agenda
Item No.

3

Corporate Director for Corporate Services

to
Council

on

19th May 2016

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

Appointment of Cabinet, Cabinet Committee and Changes to the Constitution

Part 1 (Public Agenda Item)

1. Purpose of Report

For the Council to note Cabinet and other changes and address several Constitutional matters

2. Recommendations

- 2.1 To note the 8 revised portfolios confirmed by Councillor Lamb as set out in **Appendix 1**.
- 2.2 To note the appointments to the Cabinet and substitutes made by Councillor Lamb (including the arrangements for the Deputy Leader) as set out in **List A** to be circulated at the meeting.
- 2.3 To note the appointments to the Cabinet Committee and substitutes made by Councillor Lamb as set out in **List B** to be circulated at the meeting.
- 2.4 To make the following changes to the Constitution:
 - (a) To amend the membership of the Performance Related Pay Panel in section 4.3 of Part 3 Schedule 2 of the Constitution so that it comprises the Leader, the Deputy Leader, one other Cabinet member, the leaders of the two largest opposition groups and a person independent of the Council.
 - (b) To amend Contracts Procedure Rules in Part 4G in line with European legislation requirements as set out in section 3.5(b) at **Appendix 2** of this report.
 - (c) To agree the revised Board structure of South Essex Homes which now comprises 11 members of which 3 shall be Southend councillors, and changes to the Articles of Association as detailed in the Special Resolution set out at **Appendix 3**.

- (d) To make any necessary changes to the Constitution consequent upon (a) – (c) above and to reflect the new titles of the portfolios.

2.5 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, Councillor Lamb has confirmed that:

- The 8 revised portfolios are 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 6 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 Council meeting for the Council to agree.

3.3 In terms of appointments to Working Parties, Panels etc, these will also be allocated, by convention, on the basis of political proportionality to nominees of the 6 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 Council 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. (**Agenda Item 8**).

3.5 Several minor amendments are needed to the Constitution.

- (a) Performance Related Pay Panel – last year the Panel comprised the Leader, the two Deputy Leaders, one other Cabinet member, the leader of the largest opposition group and a person independent of the Council. It is now proposed that the Panel comprises the Leader, the Deputy Leader, one other Cabinet member, the leaders of the two largest opposition groups and a person independent of the Council
- (b) To amend Part 4(g) of Contracts Procedure Rules in line with European Legislation requirements as set out in **Appendix 2**

- (c) To agree the revised membership of the Board of South Essex Homes, which would include 3 Southend Councillors, and the change to the Articles of Association of the company as detailed in the Special Resolution set out in Appendix 3.
- (d) To make any necessary changes to the Constitution consequent upon (a) – (c) above and to reflect the new titles of the portfolios.

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 I would ask the Council to endorse 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 – The 8 revised portfolios confirmed by Cllr Lamb

Appendix 2 –Revisions to Contracts Procedure Rules in Part 4G of the Constitution..

Appendix 3 – Revised Articles of Association