

Southend-on-Sea Borough Council

Agenda
Item No.

3

Report of Executive Director
(Legal and Democratic Services)

to
Council

on
20th May 2021

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

Administration for 2021/22 following May 2021 Local Elections and associated matters

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 6th May 2021.
- Note the details of the new Cabinet and Cabinet Committee appointed by the Leader of the Council.
- Agree changes to the Cabinet Working Parties in sections 3.1 - 3.7 of Part 3 Schedule 2 of the Constitution, if required.
- Endorse the Council's Constitution (which is on the Internet and Intranet), including the Scheme of Delegation in Part 3, Schedule 3.

2. Recommendations

2.1 To note that following the Local Elections on 6th May 2021, the make-up of the Council is as follows:

- | | |
|---------------------------|-----------|
| • Conservative Group | 23 |
| • Labour Group | 13 |
| • Independent Group | 7 |
| • Liberal Democrat Group | 5 |
| • Non-aligned independent | <u>3</u> |
| | <u>51</u> |

2.2 To note the changes to the numbers, titles and responsibilities of Cabinet Members made by the Leader of the Council which will be circulated at the start of the meeting. Such changes will be reflected in amendments to Part 3 (Schedule 1(a)) and Part 7 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) which will be circulated at the start of the meeting.
- 2.4 To note the appointments to the Cabinet Committee (and substitutes) made by the Leader which will be circulated at the start of the meeting.
- 2.5 In the event that the Leader decides to increase the number Cabinet Working Parties (as a consequence of increasing the number of Cabinet Members), to agree that the seven Cabinet Working Parties referred to in sections 3.1 - 3.7 of Part 3 Schedule 2 of the Constitution be replaced by new Working Parties.

Each new Cabinet Working Party will be linked to the functions of the relevant Cabinet Member in the new Administration.

To facilitate such a change, the functions of the seven Working Parties referred to above, will be assigned to the relevant new Working Parties and authority delegated to the Executive Director (Legal & Democratic Services) to draft the terms of reference of the new Working Parties 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, it is for the Leader of the Council to:

- Decide on the number of Cabinet Members and their titles and responsibilities. (The Leader may also make a statement on associated Special Responsibility Allowances).
- Appoint the Cabinet Members (and substitutes).
- Appoint the Cabinet Committee (and substitutes).

The Leader who is appointed at the Annual Council meeting on 20 May 2021 will circulate details of the above matters at the start of the meeting.

- 3.2 In terms of places on relevant Committees and Sub-Committees, these will be allocated based on political proportionality to nominees of the 4 political groups on the Council as the law requires; with the remaining places being allocated to the 3 non-aligned councillors.

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, based on political proportionality to nominees of the 4 political groups on the Council.

At present there are ten Cabinet Working Parties. The first seven of these are linked to the functions of each Cabinet Member (as set out in sections 3.1 - 3.7 of Part 3 Schedule 2 of the Constitution).

If the Leader decides to increase the number Cabinet Working Parties (as a consequence of increasing the number of Cabinet Members), then it will be necessary to replace these seven Working Parties. Each new Cabinet Working Party will be linked to the functions of the relevant Cabinet Member in the new Administration.

To facilitate such a change, the functions of the seven Working Parties referred to above, would need to be assigned to the relevant new Working Parties and authority delegated to the Executive Director (Legal & Democratic Services) to draft the terms of reference of the new Working Parties accordingly.

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. If new Working Parties are created (as referred to above) it is recommended that membership be notified to the Chief Executive within 3 working days.

- 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 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.

As councillors will be aware, a review of the Council's decision-making arrangements is currently taking place and a report will be submitted shortly to the General Purposes Committee.

4. Background Papers

None

5. Appendices

None