

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director
(Legal and Democratic Services)

to
Council

on
15 July 2021

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

Change to the Constitution

Part 1 - Public Agenda Item

1. Purpose of Report

For the Council to agree a minor amendment to Standing Order 31.2.

2. Recommendation

That a minor amendment be made to Standing Order 31.2 as set out in Appendix 1 and that Part 4(a) of the Constitution be amended accordingly.

3. Background

- 3.1 Standing Order 31 deals with Substitute Councillors on Committees. If a councillor wishes a Substitute Councillor to attend a meeting in their place, then notice has to be given to the Chief Executive no later than 3 hours before the time fixed for the meeting.
- 3.2 Recently two councillors were unable to attend a meeting for Covid related reasons discovered less than 3 hours before a meeting.
- 3.3 In order to address the situation in 3.2, it is recommended that a minor amendment be made to Standing Order 31.2 as set out in Appendix 1.

4. Background Papers

None

5. Appendices

Appendix 1 - Proposed amendment to Standing Order 31.2 in Part 4(a) of the Constitution

31. Substitute Councillors

31.1 Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee in the circumstances set out below.

31.2 A member of a Committee shall, if he / she wishes a Substitute Councillor to attend a meeting of that Committee in his / her place, give the Chief Executive written notice by sending an e-mail to committeesection@southend.gov.uk no later than 3 hours before the time fixed for the meeting that he / she is unable to attend and that the Substitute Councillor named in the substitution notice will attend in his / her place **save that, if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.**

If a Councillor is indisposed, then he or she may give written notice to the Chief Executive that for a specified period of time his or her Group Leader will deal with the appointment of Substitute Councillors on his / her behalf. In such circumstances the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

31.3 The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting he / she shall do so as an observer only, but may be permitted to speak in accordance with Standing Order 37(2).

31.4 A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.

31.5 The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all Substitute Councillors.

31.6 These arrangements shall apply in the same way in respect of Sub-Committees, Working Parties, Forums, Panels, and other bodies but not the Cabinet or Cabinet Committee which are regulated by 31.7.

31.7 The Leader shall appoint a substitute for each of the Cabinet Members in order to cover his / her portfolio in the event he or she is absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.