

Southend-on-Sea Borough Council

Report of Chief Executive

to

General Purposes Committee (GPC)

on

5 October 2022

Sarah Brown, Policy Manager

Review of the Council's Constitution

1. Purpose of Report

- 1.1 To present the Centre for Governance and Scrutiny (CfGS) report, which recommends next steps the Council should take in the project to update the constitution.
- 1.2 For General Purposes Committee to agree the approach outlined below.

2. Recommendations

- 2.1 **The General Purposes Committee is recommended to:**
 - A. Note the CfGS report**
 - B. Agree to commence redrafting Council procedure rules**
 - C. To prioritise changes with the first step being new Scrutiny Procedural Rules, details of which are included in the next report**
 - D. General Purposes Committee to act as a cross party focus group for ongoing work**
 - E. That the next step will be for the Committee to agree a timetable and sequence for changes.**

3. CfGS Summary

- 3.1 The CfGS have set out a number of recommendations which they consider are necessary to bring about change to the attitude and approach for transacting effective and timely business at Cabinet, scrutiny, full Council, and informally. See **Appendix 1**
- 3.2 CfGS advise that the way in which the changes are made and how they are embedded are as, if not more, important than the changes themselves. They have therefore suggested a number of ways to embed the change.
- 3.3 It is not recommended that a full rewrite of the constitution take place as this would be a disproportionate undertaking. Instead, it is suggested that there are

changes to key sections – council standing orders and scrutiny in particular – alongside improvements to the readability of other parts.

3.4 CFIGS recommend that members and officers should:

- Begin making changes– experimenting with new approaches and seeing what works, so formal changes to systems can be confirmed before the new municipal year with confidence and experience of their operation on a trial basis;
- Sequence the changes – the changes listed cannot all happen at once, with main focus, and the area that will need most time to bed in, are the changes to SO.7 and SO.39 and the adoption of the suggested “enhanced” scrutiny arrangements – these should be seen as the priority.

4.0 Activity required to embed change

4.1 To ensure a sense of ownership of the changes and to ensure that constitutional change is not perceived purely as being the preserve of legal professionals, CfGS has suggested that a number of ‘development and familiarisation sessions’ between Councillors and officers take place. Effectively these act as interactive training sessions whilst exploring and agreeing the development of new processes. Sessions would cover:

Session	Purpose/objective
Decision-making processes	Who should feed into decision-making, and when. This would involve working with members to put together and refine process maps and flowcharts making it clearer where, how and by whom decisions are developed and made – it would also involve Cabinet and senior officers considering appropriate levels of officer delegation.
Management of business	To unpick current practices around minute referrals (and other matters currently covered by those standing orders where we propose changes) and consider how time at full Council could be more productively used, and how cross-party business might be carried out in a reconstituted General Purposes Committee.
A shift in focus for scrutiny	For scrutiny members to explore a shift in focus and direction for the function, resting on a more robust and consistent approach to the use of information.

4.2 In order to deliver more general changes, a small reference group, is recommended to provide direction where Councillor input is necessary. This activity could be carried out by or under the purview of the General Purposes Committee, and would include:

- The wording of a preamble to the constitution. This would set out key roles and responsibilities, and would provide the basis for ongoing training and development for councillors and officers on the key mindsets and attitudes

- necessary for the constitution to work – a framework for positive and constructive behaviours around decision-making and checks and balances;
- Key aspects of the accessibility and “look” of a new constitution – in particular, how it is presented to the public;
 - The content of a new set of decision-making principles, including new principles to determine where and when certain matters should be subject to “pre-decision” scrutiny;
 - The content and look of a set of flow charts explaining such processes clearly and succinctly;
 - The overall approach to checks and balances in the constitution – the removal of SO.7 and SO.39 alongside other changes to scrutiny, and to the operation of full Council meetings, which would mitigate any risk that members might feel arose from the removal of those standing orders;
 - The right “balance” of delegation – the level of delegation with which councillors overall feel comfortable;
 - An expanded role for the General Purposes Committee, in overseeing governance and the constitution.

5.0 Key decisions & Timeline

5.1 A possible outline for key decision points and their sequence is provided below:

Decision / Task	Owner	Date
Agree next steps	General Purposes Committee	5 th October
New scrutiny Rules considered at full council	Full Council	20 th October
Agree sequencing of changes	General Purposes Committee	October - February
To prioritise redrafting and agree content	Cross Party focus group	Nov - March
Approve final new Constitution	General Purposes Committee, Full Council	March / April, May AGM 2023
Training programme rolled designed and rolled out to members and officers	Workforce Development / Dem Services	June 2023 onwards

6. Other Options

The General Purposes Committee could reconsider their previous recommendation and decide that a review of the Constitution is not necessary, however, this would mean losing an opportunity to enable councillors, to consider ways to improve the Council’s decision making processes, as well as loss of the investment already undertaken in this work.

7. Corporate Implications

7.1 Contribution to the Southend 2050 Road Map

This work supports the Council’s condition for ‘simple and effective governance’, as well as to build an agile, collaborative and skilled workforce equipped to deliver Southend 2050 and the new Corporate Plan. The review complements work to improve effective working relationships between Councillors and Officers, which in

turn enables more opportunity for greater understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

7.2 Finance & value for money implications

There are no specific financial implications for this report. Improved decision making processes will help enhance the efficiency and effectiveness and, therefore, the value for money achieved by the Council.

7.3 Legal Implications

Any changes made to the Constitution will be completed in line with legislative requirements determining the governance arrangements of English local authorities.

7.4 Equality & diversity implications

Revisions to the Constitution will reflect the Council's approach to equality and inclusivity, including the use of gender neutral language.

7.5 People Implications

This aims to contribute to the effective working relations between Councillors and Officers and to help underpin the work to embed the Council's the values and behaviours. However, no further specific people implications are noted in relation to this report.

8. **Other corporate implications:** (Property; Empowerment, Co-design/production & Consultation; Risk; Community Safety; Green City/Environment/Climate Change; Data Protection; ICT; Health; Health & Safety; Commissioning/ Procurement]:- None specific.

9. **Background Papers**

There are no background papers.

10. **Appendices**

10.1 **Appendix 1: CfGS Final Report, August 2022**