

Meeting: Standards Committee
Date: 31 July 2024
Classification: Part 1
Key Decision: No
Title of Report: Constitution Review Stage 2 Consideration of Parts 1 and 2 of the Work Programme

Executive Director: Claire Shuter
Report Author: Susan Zeiss
Executive Councillor: Cllr Ian Gilbert, Cabinet Member for Constitutional Affairs

1. Executive Summary

- 1.1. At the meeting of Standards Committee on 16 July 2024, Committee agreed the work programme for the review of the Southend-on-Sea City Council constitution (attached to this report as Appendix A), the principles which will underpin the review, (a list of which is attached to this report at Appendix B) and that the form and style of the proposed new constitution should be one in which the constituent parts are grouped by themes.
- 1.2. The work of the Committee described in paragraph 1.1 above comprised Stages 1, 2 and 3 of the review as outlined in the work programme and Committee agreed to proceed to Stage 4 of that programme. Stage 4 will ask Committee to look at all the component parts of the constitution and provide officers with direction on the drafting of provisions. The drafts will then be brought back to Committee for a decision on the wording which it will recommend to Council.
- 1.3. Stage 4 will progress through several meetings of the Committee.

2. Recommendations

It is recommended that Committee:

- 2.1. Considers the first draft Part 1(Summary and Explanation and Public Participation) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix C to this report and directs officers as to any amendments and/or additions it wishes to be drafted for further review at the next meeting of Committee on 10 September 2024;**
- 2.2. Considers the first draft Part 2 (The Council) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix D to this report and directs officers as to any amendments and/or additions it wishes to be drafted for further review at the next meeting of Committee on 10 September 2024; and**

2.3. Agrees that officers bring the first drafts of the new proposed constitution as described in Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) of the work programme for consideration by Committee to its next meeting to be held on 10 September 2024.

3. Background

- 3.1 Standards Committee agreed at its meeting on 16 July 2024 to recommend to Council that the constitution follow the style and format of the modern style constitution, where the sections are grouped into themes which follow the functions of the council.
- 3.2 Officers have therefore divided all the required component parts of a constitution including both those required by law and those over which the Council has a discretion into parts as described in the work programme. First drafts of suggested new provisions will be brought before Committee in sequence, first for direction as to the requested drafting of provisions and thereafter at a following meeting, for that drafting to be approved by Committee for onward recommendation to Council.
- 3.3 As part of the ongoing work of the Committee to review the constitution, this report brings before Committee for consideration:
- 3.3.1 suggested provisions which set out a summary and explanation of the legal basis, purpose and structure of the a council constitution, how the public can participate in the meetings of the council and its committees, the Access to Information Procedure Rules and a scheme for the receipt and consideration of petitions (Part 1 of Stage 4 of the work programme); and
- 3.3.2 suggested provisions which contain the rules for how the Council works, namely the role of Council (meaning the meeting of all council members), the Budget and Policy Framework, the Council Procedure Rules, the Budget and Policy Framework procedure Rules and a scheme for conferring the status of Honorary Aldermen.

4. Reasons for Decisions

Council agreed on 13 June 2024 to undertake a complete review and rewrite of its constitution.

5. Other Options Considered

- 5.1 The Council must have a constitution by law. Not having a complaint constitution is not an option that can be followed.

5.2 The option to amend the existing constitution in part only was discounted as it presented to great a risk of inconsistencies and inaccuracies remaining in the document. In addition, the style and format of the existing constitution required complete revision and modernisation, which would be difficult to achieve if only some parts were amended.

6. Financial Implications

At this stage there are no additional financial implications from the proposals contained within this report.

7. Legal Implications

It is a requirement of the Local Government Act 2000 that the Council has a constitution, there is a risk that the constitution in its current form may give rise to legal challenges about the Council's governance framework and decision-making procedures.

8. Equalities

There are no known Equalities impacts at this stage.

9. Consultation

9.1 Consultation with Members will be undertaken through the Standards Committee, which is a cross-party committee of Council, as well as engagement and training sessions with all councillors. The Committee will also invite suggestions and contributions from all councillors in advance of the Committee considering draft provisions.

9.2 There will be consultation with officers through engagement with all services through the drafting, decision-making and training processes.

10. Appendices

- 10.1. **Appendix A**: Work Programme
- 10.2. **Appendix B**: List of Principles
- 10.3. **Appendix C**: New Constitution Summary of Changes Parts 1 and 2
- 10.4. **Appendix D**: First draft Part 1
- 10.5. **Appendix E**: First Draft Part 2

11. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	23 July 2024
Monitoring Officer	Susan Zeiss	23 July 2024
Executive Director(s)	Claire Shuter	23 July 2024

Relevant Cabinet Member(s)	Cllr Ian Gilbert	23 July 2024