

APPENDIX C

New Constitution Part 1 and Part 2 draft v1 – Summary of Changes

Notes

1. The new Constitution is structured into 7 main Parts, with each Part comprising several Sections.
2. Cross references to the Council's websites and / or other Parts of the Constitution are included as appropriate in the below Sections.
3. As a matter of law, certain information must be included in the Council's Constitution. We are maintaining a checklist of the provisions required to be included, and where they have been included in the new Constitution. We will provide a copy of the on completion.
4. The formatting of the new Constitution (font, text size, capitalisation of terms etc) is pending confirmation, and will be regularised in due course.

Part 1 Summary and Explanation and Public Participation

Section 1 Summary and Explanation

The Constitution

- Brief explanation of what is set out in the constitution, and the purpose of the constitution.

Residents' Rights

- Sets out the various rights of residents in dealing with the Council such as the right to vote, contact their Ward Councillor and attend meetings.

Residents' Responsibilities

- Sets out the various responsibilities of residents in their dealings with the Council such as not being disruptive or abusive when attending meetings or when communicating with Councillors or Officers.

How the Council Operates

- Brief explanation as to the number of Councillors, their term of office, the criteria for standing for election and the general role of Councillors.
- Brief explanation as to how the Councillors meet as 'full Council' and the business undertaken by full Council. Also, how the Council holds to account the Cabinet via the Overview and Scrutiny Committee and 'call-in'.

The Executive (Cabinet)

- Brief explanation as to the Council's adoption of executive governance arrangements, the composition and role of the Cabinet, the appointment of Cabinet

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Members and allocation of portfolios, and the delegation of decision making to Officers by way of the Scheme of Delegation to Officers.

Overview and Scrutiny Committee

- Brief explanation as to the role and purpose of the Overview and Scrutiny Committee in supporting and challenging the work undertaken by Cabinet and holding Cabinet to account.
- Brief explanation as to the call-in process and the ability of the Overview and Scrutiny Committee to undertake inquiries in which the public might also participate.

Other Council Committees

- Brief explanation as to Cabinet being unable to make non-executive decisions in matters such as planning or licensing, and where a non-executive decision is not reserved to full Council, it is delegated to a Council Committee (or Officer).

Councillors

- Brief explanation as to the division of the Council's area into Wards, and the representation of a Ward by a Councillor elected by the residents of the Ward.

The Council's Employees (Officers)

- Explains that the Council's employees are known as Officers and provides a brief explanation as to the role of Officers.
- Explains that the Council is required by law to appoint a Head of Service, Monitoring Officer and Chief Finance Officer, and that these statutory officers have specific duties under the law.

Local and Partnership Working

- Explains that the Council works with other organisations and creates partnerships to assist in meeting the Council's objectives, and the delivery of services, and that such arrangements are kept under review to ensure best value.

Joint Arrangements

- Explanation as to the various arrangements into which the Council may enter for the purpose of discharging its functions, such as joint committees, discharging a function on behalf of a third party, or delegating the discharge of a function to a third party.

Contracts and Contracting Out

- Explains that contracts made by the Council must comply with the Council's Contract Procedure Rules

The Common Seal of the Council and Signing Documents

- Explains the circumstances in which the Official Seal of the Council is used.

Changes to the Constitution and Publication

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- Explains the adoption of the Constitution and thereafter its monitoring and review to ensure its provisions are effective and given effect.
- Explains that Monitoring Officer's authority to make minor amendments / corrections, whilst substantive changes are considered by the Standards Committee and recommended for approval by full Council.
- Explains that the Constitution is available for inspection on the Council's website and at the Council's offices.

Section 2 Public Participation with Southend-on Sea City Council

- Explains that the Council encourages and supports the involvement of the public and sets out how members of the public can get involved.

Attendance at Meetings of Council, Cabinet and Committee Meetings

- Explains that meetings of the Council are open to the public, and that members of the public may speak a certain meeting.
- Explains that details of where and when a meeting will be held, and the business of the meeting are available on the Council's website.
- Explains the circumstances in which the public and press may be excluded from a meeting if an item of business is confidential or exempt.

Public Speaking

- Sets out the meetings at which members of the public may speak in accordance with the rules of procedure governing the particular meeting.

Petitions

- Explains that the Council accepts petitions concerning something for which the Council has responsibility.

Consultation

- Briefly explains the circumstances in which the Council will undertake consultations.

Webcasting and Social Media

- Explains that Council meetings are often streamed for online viewing and details the Council's social media platforms.

Budget and Policy Development

- Explains that public participation in Councillors' setting of the budget and key policies is encouraged and may involve focus groups, residents' panels or service user panels.

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[Section 3 Decision Making and Key Decisions]

- Space Holder for potential inclusion in Part 1 of a summary of how decisions are made by various Council bodies, and an explanation as to 'key decisions'.

Section 4 Access to Information Procedure Rules

- Explains the scope and purpose of the Access to Information Procedure Rules in providing for members of the public, the Scrutiny Committees and Councillors to access meetings and access certain information held by the Council.
- Explains notification and publication requirements pertaining to meetings, agendas and background papers, and the recording and publication requirements of certain decisions.
- Explains confidential and exempt information.
- Explains exemptions to the Access to Information Procedure Rules and 'urgency'.

Section 5 Petition Scheme

- Explains how members of the public can submit petitions to the Council on issues which are a responsibility of the Council.
- Explains the criteria for a petition to be valid, the form a petition may take, and how it may be submitted.
- Explains how the Councils deals with petitions it receives.

Part 2 The Council

Section 1 The Council

- Details as to the composition of the Council, number of Councillors and Wards.
- Details as to the role (functions) of the Council e.g., adopting and amending the constitution, approving or adopting the Budget and Policy Framework, setting Council Tax, determining Committees and appointing Councillor to them, appointing statutory officers, passing byelaws and discharging non-executive functions.

Section 2 The Role of Councillors

- Details the role of all Councillors e.g., making decisions collectively, or as a member of Council body or individually; representing Council and its interests on other bodies; representing interests of Ward and individual constituents; responding to residents' enquiries; being a community leader, maintaining highest standards of conduct and ethics in performance of councillor role, and contributing to good governance.
- Details as to the election of the Mayor by full Council, and the role and responsibilities of the Mayor.

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Section 3 The Budget and Policy Framework

- Explanation / definition of “Policy Framework” – i.e., which plans and strategies are included within it.
- Explanation / definition as to “Budget” – i.e., what the “Revenue Budget” comprises.
- Details the financial plans / strategies to support delivery of the Budget (i.e., Capital Investment Budget, Capital Investment Strategy, Medium Term Financial Strategy, Reserves Strategy etc.

Section 4 The Council Procedure Rules

- Sets out the rules of procedure for Council meetings.
- Sets out the scope of the rules (i.e., to which meetings they apply)

Section 5 The Budget and Policy Framework Procedure Rules

- Sets out the rules for the setting and adoption of the Budget and Policy Framework.