

Meeting: Standards Committee
Date: 10 September 2024
Classification: Part 1
Key Decision: No
Title of Report: Constitution Review Stage 2 Agreement on Drafting Parts 1 and 2 of the Work Programme and Consideration of Parts 3 and 4 of the Work Programme

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

1. Executive Summary

- 1.1. At the meeting of Standards Committee on 31 July 2024, Committee considered Part 1(Summary and Explanation and Public Participation) and Part 2 (The Council) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2. Committee debated and reviewed the provisions presented by Officers and requested amendments and adjustments to be drafted for review at this meeting.
- 1.3. Committee deferred consideration of the following section of Part 2, namely the Budget and Policy Framework Procedure Rules) to its next meeting to be held on 10 September 2024.
- 1.4. Committee also agreed to consider Parts 3 (Committees) and Part 4 (the Executive) at its next meeting.
- 1.5. This work constitutes the ongoing Stage 4 (Drafting) of the agreed Work Programme.

2. Recommendations

It is recommended that Committee:

- 2.1 Notes the summary of suggested drafting amendments made by Committee at its meeting on 31 July and attached as Appendix A;**
- 2.2 Reviews and agrees the amended drafting by officers of Part 1 (Summary and Explanation and Public Participation) of the proposed new Constitution as set out in Appendix B to this report; and**

- 2.3 **Reviews and agrees the amended drafting by officers of Part 2 (The Council) of the proposed new Constitution as set out in Appendix C to this report; and**
- 2.4 **Considers the draft of Part 2 (The Council) sections on the Budget and Policy Framework Rules deferred from the meeting held on 31 July 2024 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 7 October 2024;**
- 2.5 **Considers the first draft Part 3 (Committees) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix E 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 7 October 2024;**
- 2.5 **Considers the first draft Part 4 (The Executive) of a new proposed constitution for Southend-on-Sea City Council as set out in Appendix F 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 7 October 2024; and**
- 2.6 **Agrees that officers bring the first drafts of the new proposed constitution as described in Part 5 (Overview and Scrutiny) of the Work Programme for consideration by Committee to its next meeting to be held on 15 October 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 A draft of Part 1 (Summary and Explanation and Public Participation) (**Appendix B**) of the Work Programme, which has taken into account the direction and comments from Committee give at the meeting on 31 July 2024 and summarised in **Appendix A**; and

- 3.3.2 A draft of Part 2 (The Council) of the Work Programme (**Appendix C**), which has also taken into account the wishes of Committee as agreed on 31 July 2024 and summarised in **Appendix A** to this report; and
- 3.3.3 Suggested provisions for the section of Part 2 (The Council) which Committee deferred from its last meeting on 31 July, namely the Budget and Policy Framework Procedure Rules contained in **Appendix D** to this report; and
- 3.3.4 Suggested provisions for the constitution and working of all the Council's Committees which together make up Part 3 of Stage 4 of the Work Programme ; namely

- The Committee Structure
- The Committee Procedure Rules
- Development Control Committee Specific Procedure Rules
- Regulatory Committees
- Standards Committee
- General Purposes Committee
- Audit & Governance Committee
- Pension Fund Committee
- Health & Wellbeing Board Committee
- Senior Appointments and Pay Committee

which are contained in **Appendix E** to this report;
and

- 3.3.5 Suggestions for a description the Executive (the Cabinet) for Southend-on-Sea City Council and containing the rules for how Cabinet works set out in **Appendix F** to this report.

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:** Summary of comments and directions from Standards Committee at the 31 July 2024 Meeting.

10.2 **Appendix B:** Amended draft of Part 1 (Summary and Explanation)

10.3 **Appendix C:** Amended draft of Part 2 (The Council – except for section on the Budget and Policy Framework Procedure Rules)

10.4 **Appendix D:** First Draft Part 2 (The Council) sections Budget and Policy Framework Procedure Rules.

10.5 **Appendix E:** First draft Part 3 (Committees)

10.6 **Appendix F:** First draft Part 4 (The Executive)

11. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	
Monitoring Officer	Susan Zeiss	
Executive Director(s)	Claire Shuter	
Relevant Cabinet Member(s)	Cllr Daniel Cowan	