

Meeting: Standards Committee
Date: 7 October 2024
Classification: Unrestricted
Key Decision: No
Title of Report: **Constitution Review Stage 2 Agreement on Drafting Part 3 of the Work Programme and Consideration of Part 5 of the Work Programme**

Executive Director: Claire Shuter
Report Author: Susan Zeiss
Executive Councillor: Cllr Daniel Cowan, Leader of the Council

1. Executive Summary

- 1.1. At the meeting of Standards Committee on 10 September 2024, Committee again 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 suggested some further amendments to the drafting for these parts which will be brought back to the meeting on 7 October 2024 for agreement.
- 1.3. Committee deferred consideration of Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) to the meeting on 7 October 2024.
- 1.4. Committee also agreed to consider Part 5 (Scrutiny) at its next meeting on 7 October.
- 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 10 September and attached as Appendix A;**
- 2.2. **Reviews and agrees the revised and final drafting by officers of Part 1 (Summary and Explanation) of the proposed new Constitution as set out in Appendix B to this report; and**

- 2.3. **Reviews and agrees the revised and final 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 first draft Part 3 (Committees) 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 15 October 2024;**
- 2.5. **Considers the first draft Part 4 (The Executive and Joint Arrangements) 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 15 October 2024;**
- 2.6. **Considers the first draft Part 5 (Overview and Scrutiny) 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 15 October 2024;**
- 2.7. **Agrees that officers bring the first drafts of the new proposed constitution as described in Part 6 (Councillors) 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 given 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 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
- Health & Wellbeing Board
- Senior Appointments and Pay Committee

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

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

3.3.5. Suggested provisions for the constitution and working of the Council's Overview and Scrutiny function which forms Part 5 of Stage 4 of the Work Programme, and which are contained in **Appendix F** to this report; and

4. Reasons for Decisions

4.1. 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

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

7. Legal Implications

- 7.1. 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

- 8.1. 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 10 September 2024 Meeting.
- 10.2. **Appendix B:** Amended draft Part 1 (Summary and Explanation)
- 10.3. **Appendix C:** Amended draft Part 2 (The Council)
- 10.4. **Appendix D:** Initial draft of Part 3 (Committees)
- 10.5. **Appendix E:** Initial draft of Part 4 (The Executive) and Joint Arrangements
- 10.6. **Appendix F:** Initial draft of Part 5 (Overview and Scrutiny)

11. Report Authorisation

11.1

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	27/09/2024
Monitoring Officer	Susan Zeiss	20/09/2024
Executive Director(s)	Claire Shuter	26/09/2024
Relevant Cabinet Member(s)	Cllr Daniel Cowan	27/09/2024