

Meeting: Standards Committee
Date: 22 October 2024
Classification: Unrestricted
Key Decision: No
Title of Report: Constitution Review Stage 4 - Review of amended drafts of Parts 3 and 4 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 15 October 2024, Committee considered initial drafts for Part 5 (Overview and Scrutiny) and Part 6 (Councillors) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2 Committee debated and reviewed the provisions presented by Officers for these Parts 5 and 6 and requested amendments and adjustments to be drafted for review at the meeting on 12 November 2024.
- 1.3 Committee also agreed to review the amended drafting for Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements at this meeting).
- 1.4 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 (with annotations from our external advisors, Anthony Collins) at its meeting on 7 October and attached as Appendix A;
- 2.2 Reviews and agrees the revised and final drafting of Part 3 (Committees) of the proposed constitution as set out in Appendix B to this report;
- 2.3 Reviews and agrees the revised and final drafting of Part 4 (The Executive and Joint Arrangements) as set out in Appendix C to this report;

- 2.4 Agrees that officers bring the amended drafts of Parts 5 (Overview and Scrutiny) and 6 (Councillors) of the Work Programme for further consideration and agreement by Committee to its next meeting to be held on 12 November 2024.
- 2.5 Agrees that officers bring the initial draft of Part 7(Officers) to the meeting of Standards Committee on 12 November 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 The summary of suggested drafting amendments made by Committee (with annotations from our external advisors, Anthony Collins) at its meeting on 7 October and attached as Appendix A;
 - 3.3.2 Revised drafting for Part 3 (Committees) of the proposed constitution as set out in Appendix B to this report.
 - 3.3.3 Revised and final drafting of Part 4 (The Executive and Joint Arrangements) as set out in Appendix C to this report;

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 compliant 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:** Notes of Members' comments on drafting annotated by Anthony Collins
- 10.2 **Appendix B:** Revised drafts of Part 3 (Committees)
- 10.2. **Appendix C:** Revised draft of Part 4 (The Executive and Joint Arrangements)

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)	ClIr Daniel Cowan	