

**Meeting:** Standards Committee  
**Date:** 12 November 2024  
**Classification:** Unrestricted  
**Key Decision:** No  
**Title of Report:** **Constitution Review Stage 4 Review of amended drafts of Parts 5 and 6 of the Work Programme and Consideration of Part 7**

**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 22 October 2024, Committee considered and agreed for recommendation to Council on 12 December the revised drafts of Part 3 (Committees) and Part 4 (The Executive and Joint Arrangements) of the proposed new constitution for Southend-on-Sea City Council.
- 1.2. Committee also agreed to review the amended drafting for Part 5 (Overview and Scrutiny) and Part 6 (Councillors) at this meeting.
- 1.3. Committee further agreed that officers bring the initial draft of Part 7 (Officers) to 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 15 October and attached as Appendix A;
- 2.2. Reviews and agrees the revised and final drafting of Part 5 (Overview and Scrutiny) 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 6 (Councillors) as set out in Appendix C to this report;

2.4 Considers the initial draft of Part 7(Officers) of the 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 meeting of Committee on 18 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 15 October and attached as Appendix A;

3.3.2 Revised drafting for Part 5 (Overview and Scrutiny) of the proposed constitution as set out in Appendix B to this report:

3.3.3 Revised and final drafting of Part 6 (Councillors) as set out in Appendix C to this report.

3.3.4 An Initial draft of Part 7 (Officers) of the proposed new constitution which is made up of the following components at Appendix D:

- Officers
- Management Structure
- Scheme of Delegation to Officers
- List of Proper Officers (and Designated Posts)
- Employee Code of Conduct
- Staff Employment Procedure Rules

### **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 5 (Overview and Scrutiny)
- 10.2. **Appendix C:** Revised draft of Part 6 (Councillors)
- 10.3. **Appendix D:** Initial Draft of Part 7 (Officers)

## 11. Report Authorisation

### 11.1

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	04/11/2024
Monitoring Officer	Susan Zeiss	24/10/2024
Executive Director(s)	Claire Shuter	20/10/2024
Relevant Cabinet Member(s)	CLlr Daniel Cowan	20/10/2024