

**New Constitution Summary of Changes [as at 19 November 2024]**

**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 the Council and the business undertaken. 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 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 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

- Explains that the Council's employees are known as officers, and provides a brief explanation as to their role.
- 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

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

- Links to petition rules on the Council's website.

### 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.

## **Section 3 Decision Making and Key Decisions**

- Sets out the principles for decision making at the Council and details the types of decisions that are made by various Council bodies, with an explanation of key decisions and the responsibility for the Council's functions.

## **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 Overview and 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.

## **Section 5 Petition Scheme**

- Link to petition pages on the Council's website.

### 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, 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 Council, and the role and responsibilities of the Mayor.
- Includes the Council Procedure Rules

#### Section 3 The Budget and Policy Framework

- Explanation / definition of the Council's Policy Framework and lists the plans and strategies that are included within it.
- Explanation / definition as to what a budget decision is
- 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.

#### Section 6 The Honoray Titles

- Link to Freedom of the City Scheme pages of the Council's website.
- Details the Alderman Scheme

### Part 3 Committees

#### Section 1 Committee Structure

- Lists the Committees of the Councils which discharge non-executive functions:
  - Planning Committee (renamed from Development Control Committee)
  - Licensing Committee
  - Standards Committee
  - Audit and Governance Committee
  - General Purposes Committee
  - Health and Wellbeing Board
  - Senior Appointments and Disciplinary Committee
  - Appeals committee
- The remit of the Appeals committee has changed.
- Details the Rules which apply to the Committees.
- Details that the Committees may delegate their functions and powers to officers.
- Includes a high level reference to the ability of the Council, Cabinet or a Committee to establish working groups from time to time, and the terms of reference of a working group. Specifies that a working group has no formal decision-making authority, but may provide advice or recommendations to its parent body. Specifies that a list of working groups is maintained by the Democratic Services team.
- As it is not a legal requirement to include in the Constitution details of the working groups, their composition and terms of reference, such details have been omitted from the new Constitution. This also affords flexibility and avoids the need to revise the Constitution to accommodate changes to the working groups, or the Constitution becoming out of date if such revisions are not made.

#### Section 2 Committee Procedure Rules

- Separate Committee Procedure Rules and the Committees to which they apply have been included. This avoids difficulties which can arise in applying Council Procedure Rules to Committees.
- The Planning Committee, meetings (hearings) of the Licensing Sub-Committees (A, B, C) and meetings (hearings) of the Standards Sub-Committee have their own Rules which take precedence over the Committee Procedure Rules.

#### Section 3 Planning Committee Procedure Rules

- Details specific Rules which apply to the Planning Committee.
- Guidance documents such as the *Probity in Planning: Guidance to Councillors and Officers* are not required to be included in the Constitution and provision for their

inclusion has been deleted. This reduces the content and overall page-count of the Constitution avoids the need to amend the Constitution when guidance documents are updated. Provision for links to planning guidance documents to which the Planning Committee shall have regard is included in the Planning Committee Procedure Rules.

### **Section 4 Licensing Sub-Committee Procedure Rules**

- Provision for a link to the Rules which apply to meetings (hearings) of the Licensing Sub-committees has been included.

### **Section 5 Planning Committee and Terms of Reference**

- Details in a single document the legislation under which the Planning Control Committee has been established, its composition, functions, powers and terms of reference.

### **Section 6 Licensing Committee and Terms of Reference**

- Details in a single document the legislation under which Licensing Committee has been established, its composition, functions, powers, and terms of reference of the Licensing Committee with regard to the Licensing Act 2003, the Gambling Act 2005 and the Council's other regulatory / licensing functions (e.g. hackney carriages / private hire vehicles etc).
- Details the establishment, composition and terms of reference of the Licensing Committee Sub-committees A, B and C to hear applications and matters under the Licensing Act 2003, Gambling Act 2005 and other legislation.

### **Section 7 Standards Committee and Terms of Reference**

- Details in a single document the legislation under which Standards Committee has been established, its composition, functions, powers, and terms of reference with regard to standards and the code of conduct for councillors.
- Details the establishment, composition and terms of reference of a Standards Sub-committee to determine complaints against councillors.

### **Section 8 Audit and Governance Committee and Terms of Reference**

- Details in a single document the legislation under which the Audit and Governance Committee has been established; its composition, functions, powers, and terms of reference with regard to audit functions and governance functions.

### **Section 9 General Purposes Committee**

- Details in a single document the legislation under which the General Purposes Committee has been established; its composition, functions, powers, and terms of reference with regards to functions which do not fall within the terms of reference of any other Committee.

### **Section 10 Health and Wellbeing Board and Terms of Reference**

- Details in a single document the legislation under which the Health and Wellbeing Board has been established, its composition, functions, powers, and terms of reference with regard to its lead in improving the health and wellbeing of residents in the Council's area, with a specific focus on tackling health inequalities. This has been considered separately and updated in this version.

### **Section 11 Senior Appointments and Disciplinary Committee and Terms of Reference**

- Details in a single document the legislation under which the Senior Appointments and Disciplinary Committee has been established, its composition, functions, powers, and terms of reference with regard to the appointment, taking of disciplinary action against, and dismissal of the Council's statutory and non-statutory chief officers (and deputy chief officers).

## **Part 4 Executive Arrangements**

### **Section 1 Executive Arrangements**

- Details those Parts of the Constitution which comprise the Executive Arrangements of Southend-on-Sea City Council:
  - Part 1, Section 3 Access to Information Procedure Rules;
  - Part 4 The Executive (Cabinet);
  - Part 5 Overview and Scrutiny

### **Section 2 The Leader and Cabinet Model of Executive**

- Details the Council's adoption of the leader and cabinet model of executive arrangements.
- Details the election of the Leader by Council, and the Leader's appointment of up to nine councillors (Cabinet Members) who form the Cabinet.
- Details the Leader and Cabinet being responsible for executive functions.
- Details the Leaders's assigning of specific areas of responsibility to Portfolios, and the Leader's allocation of the Portfolios to Cabinet Members.

### **Section 3 The Role of Cabinet**

- Details the categorisation of functions under The Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000.
- Details the Council's determination that 'local choice' functions shall be a Council function.
- Details that overall responsibility for the discharge of executive functions rests with the Leader, and that the Leader will determine which, if any, executive functions are to be discharged by:
  - The Cabinet as a whole;

- A Cabinet Committee;
  - Individual Cabinet Members;
  - Officers;
  - Another local authority under 'joint arrangements' or any other body or person permitted by law.
- Details the circumstances in which a delegated executive function may be referred to the Cabinet as a whole.

### **Section 4     The Cabinet**

- Details the composition of the Cabinet, arrangements for the election of the Leader and their term of office.
- Details the appointment by the Leader of a Deputy Leader, Cabinet Members and Deputy Cabinet Members, the terms of office of the Deputy Leader, Cabinet Members and Deputy Cabinet Members.
- Detail the allocation of areas of responsibility to Portfolios by the Leader, and the Leader's allocation of Portfolios to Cabinet Members.
- Details the Leaders' delegation, on such terms as they deem appropriate, of executive functions to Cabinet Members in accordance with the Scheme of Delegation to Cabinet Members.
- Details the Leaders' delegation, on such terms as they deem appropriate, of executive functions to officers in accordance with the Scheme of Delegation to Cabinet Members.
- Details that the Leader or Cabinet may establish sub-committees to discharge executive functions.

### **Section 5     Cabinet Procedure Rules**

- Sets out the Rules which apply to the proceedings and meetings of the Cabinet and any sub-committees of the Cabinet.
- Includes provision and rules for:
  - Key Decisions
  - The Forward Plan
  - General Exceptions
  - Special Urgency
  - Major Emergencies

### **Joint Arrangements**

- Explains that the Council works with a wide range of organisations through a variety of arrangements including joint working, formal agreements and joint committees.



### **Section 6 Joint Authorities**

- The Health and Wellbeing Board and related partnerships;
- Southend Community Safety Partnership;

### **Section 7 Joint Committees**

- Lists the joint committees of which the Council is a member:
  - Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC);
  - Rochford and Southend-on-Sea Area Action Plan Committee (re Airport);
  - Essex Waste Partnership;
  - Essex and Southend Joint Waste Project Board;
  - South Essex Councils (SEC).

## **Part 5 Overview and Scrutiny**

### **Section 1 Overview and Scrutiny Arrangements**

- Details in a single Part of the new Constitution the legislative requirements for, and the purpose of, overview and scrutiny arrangements the Council.
- Details the composition of the four Overview and Scrutiny Committees:
  - People
  - Place
  - Policy and Resources
  - Health
- Details the scrutiny principles which inform the approach of the Overview and Scrutiny Committees and the scrutiny function.
- Details the Overview and Scrutiny Committees' terms of reference in respect of scrutiny, and overview (the review and development of policy).
- Provides for each Overview and Scrutiny Committee to have an annual business plan, and the ways of working of the Overview and Scrutiny Committees.

### **Section 2 Overview and Scrutiny Committee Procedure Rules**

- Provides for the composition of the Overview and Scrutiny Committees and the regulation of their meetings.

### **Section 3 The Call-In Procedure**

- The procedure for calling-in key decisions

### **Section 4 Call-In and Urgency**

- Provision for the disapplication of the call-in procedure in urgent circumstances.

### **Section 5 Pre-decision Scrutiny**

- Provision for the scrutiny of matters to be determined as key decisions prior to Cabinet making the decision.

## **Part 6 Councillors**

### **Section 1 The Role of Councillors and Office Holders**

- Sets out the responsibilities and key tasks of all councillors, and the additional responsibilities and key tasks of the leader, cabinet members and the mayor.

### **Section 2 The Code of Conduct for Councillors**

- The LGA Model Code of Conduct for Councillors as included in the Council's previous constitution. Format and numbering follows that of the Model Code.

### **Section 3 Arrangements for Dealing with Complaints Against Councillors**

- Sets out a process for dealing with complaints submitted under the Code of Conduct for councillors:
  1. The Submission of a Complaint and The Initial Assessment
  2. Informal Resolution
  3. Investigation
  4. Referrals to the Hearing Sub-committee
  5. The Hearing

### **Section 4 Protocol on Councillor / Officer Relations**

- A revised and comprehensive protocol on councillor / officer relations which includes a guide as to the main differences between the roles of councillors and officers.
- Includes provision for personal conduct and behaviour, political neutrality, the support of political groups and ward work.
- Includes provision in respect of personal relationships, the employment of officers, councillors' rights of access to information, dispute resolution and whistle-blowing.

### **Section 5 The Scheme of Councillors' Allowances**

- Taken from the Council's previous constitution with minor revisions to formatting to assist with clarity and understanding.
- Allowances are for the period 2023 – 2027.

### **Part 7 Officers**

#### **Section 1 Management Structure**

- Includes organisational charts for the corporate structure of Southend-on-Sea City Council and its service areas.

#### **Section 2 Scheme of Delegation to Officers**

- A reformatted Scheme of Delegation to officers which groups delegations by service area:
  - Strategy and Change
  - Finance and Resources
  - Children and Public Health
  - Adults and Communities
  - Environment and Place
- The Scheme takes an inclusive approach to the legislative provisions with general provisions also included.
- The Scheme includes provision for sub-delegations, emergencies and indemnities for officers.

#### **Section 3 List of Statutory and Proper Officers and Designated Posts**

- Sets out the posts to which the Council's statutory officers have been designated.
- Sets out the legislative proper officer functions and the post which has been designated the proper officer for the purpose of the functions.

#### **Section 4 Employee Code of Conduct**

- A revised, comprehensive code of conduct for the Council's officers.

#### **Section 5 Staff Employment Procedure Rules**

- Rules covering the employment of staff including recruitment, appointment, dismissal and disciplinary action of officers below the level of deputy chief officer.
- With the recruitment, appointment, dismissal and dismissal of deputy chief officers and above is undertaken by the Senior Appointments and Disciplinary Committee as set out Part 3, Section 11 of the new Constitution.

#### **Section 6 Contract Procedure Rules**

## **APPENDIX D**

- These are brand new and take account of the new Procurement Act that is due to be implemented in February 2024.

### **Section 7 Financial Procedure Rules**

- These are the Council's existing rules with no amendment.

### **Section 8 Property Procedure Rules**

- Rules for the Council's acquisition and disposal of property or land, including as regards the Council's 'best consideration' duty under the Local Government Act 1972.