

1. SUMMARY AND EXPLANATION

The Constitution

- 1.1 This Constitution sets out how Southend-on-Sea City Council operates and is governed to support the Council's corporate aims, objectives and priorities for the benefit of those who live, work and study in the city
- 1.2 The Council will exercise will fulfil its duties and exercise its powers in accordance with the law and this Constitution.
- 1.3 This Constitution complies with the requirements of the Local Government Act 1972, the Local Government Act 2000 (as amended) and the Local Government Act 2000 (Constitutions) (England) Direction 2000.

Residents' Rights

- 1.4 The Council welcomes the participation of residents in its work as set out in this Constitution. Residents also have a number of rights in their dealings with the Council, some of which are legal rights whilst others depend on the Council's processes and procedures.

How the Council Operates

- 1.5 The Council comprises fifty-one councillors each of whom is elected for a term of four years. If a Council seat becomes vacant during a councillor's term of office there may be a by-election. By-elections do not usually take place within six months prior to a normal election.
- 1.6 Councillors are democratically accountable to the residents of their Ward. The overriding duty of councillors is to the whole community of Southend-on-Sea, but they have a special duty to their Ward residents, including those who did not vote for them. Councillors set the policy of the Council and take many decisions. The Council's website contains details of how to get in touch with councillors and any positions they hold in the Council.
- 1.7 Councillors must follow a Code of Conduct for councillors to ensure high standards in the way they undertake their duties.
- 1.8 All councillors meet together at least quarterly as the Council. At the Council, councillors: make decisions that the law says are reserved to Council, including the Council's Budget and Policy Framework (in compliance with which all decisions must be taken) and the level of Council Tax each year. Members of the public are welcome to attend meetings of Council.
- 1.9 The Council's Annual Meeting is held in May each year. At the Annual Meeting the Council will elect it's Mayor, the meeting then is adjourned to undertake civic mayor making and is resumed to then approve it's planned calendar of business and schedule of meetings, to which changes to either may be made during the following

twelve months. At the Annual Meeting, the Council will also adopt the Council's Constitution when required, elect, when required the Leader of the Council (see further Part 4 of this Constitution), determine the number, size and terms of reference of the Council's Committees, appoint the Chairs and Vice Chairs of those Committees and determine the allocation of seats on Committees to different political groups for the municipal year (see further Part 3 of this Constitution).

The Executive (Cabinet)

- 1.10 The Council has adopted an executive form of governance comprising a Leader and Cabinet.
- 1.11 The Leader appoints the Cabinet Members and their areas of responsibility (known as portfolios) and may also appoint Deputy Leaders. The Leader may change the composition of the Cabinet and the portfolio responsibilities at any time.
- 1.12 The Cabinet is responsible for developing the Council's policies and strategies and takes most of the Key Decisions on service provision.
- 1.13 The Leader also decides which decisions may be taken by officers under the Scheme of Delegation to officers set out under Part 7 of this Constitution.

Overview and Scrutiny Committee

- 1.14 The Overview and Scrutiny Committee supports and challenges the work of the Cabinet and helps hold it to account.

Other Council Committees

- 1.15 Some decisions the law stipulates cannot be decided by the Cabinet. These non-executive decisions include decisions concerning matters such as planning and licensing. Unless the law requires that they are determined by the Council, non-executive decisions are delegated by the Council to the relevant Council Committees and may be further delegated to officers under the Scheme of Delegation set out under Part 7 of this Constitution.
- 1.16 In addition, Members of the Committee may be appointed to hearing sub-committees when convened to determine planning or licensing applications in particular circumstances.
- 1.17 The Committee Procedure Rules and terms of reference of the Council's Committee structure are set under Part 3 of this Constitution.

Councillors

- 1.18 The area of Southend-on-Sea City Council is divided into administrative areas called Wards. Each Ward is represented by up to three elected councillors as detailed on the Council's website.

- 1.19 Members of the public can also find out who their Ward councillor is and how to get in touch with them from the Council's website.

The Council's Employees

- 1.20 The Council's employees are known as (officers). The role of officers is to provide advice, implement and make decisions in accordance with the Scheme of Delegation to officers and to carry out the day-to-day delivery of services.
- 1.21 As a matter of law, the Council must appoint certain officers, including a Head of Paid Service (usually the overall senior officer), a Monitoring Officer (the senior governance officer) and a Chief Finance Officer (the senior finance officer) also known as the (Section 151 Officer). These officers have specific statutory duties and must ensure the Council acts within the law and uses its resources wisely.

Local and Partnership Working

- 1.22 The Council works closely with other organisations and creates new partnerships to help the Council meet its corporate vision and objectives. The way in which the Council delivers its services to residents and businesses is reviewed to ensure the Council achieves value for money.

Joint Arrangements

- 1.23 The Council and the Cabinet may discharge their functions in a number of ways:
- (a) Entering into arrangements or agreements with any person or body to deliver a service;
 - (b) Establishing joint arrangements, including a joint committee, with one or more other local authorities to exercise functions;
 - (c) Co-operating with, or facilitating or co-ordinating the activities of, any person or body to deliver a service;
 - (d) Providing a service or discharging a function on behalf of any person or body;
 - (e) Delegating the discharge of a Council function to another local authority.
- 1.24 Further information about the Council's joint arrangements is set out under Part 4 of this Constitution.

Contracts and Contracting out

- 1.25 Every contract made by the Council must comply with the Contract Procedure Rules and the Financial Procedure Rules set out under Part 7 of this Constitution.

The Common Seal of the Council and Signing Documents

- 1.26 The Common Seal of the Council is the official stamp of the Council to be used on deeds or other documents and will be kept in a safe place in the custody of the Director Law and Governance (Monitoring Officer).

- 1.27 A decision of the Council, a Council Committee, the Cabinet, a Cabinet sub-committee, the Leader, or an officer acting under delegated authority is sufficient authority for the sealing of any document necessary to give effect to the decision.
- 1.28 The Common Seal will be affixed to those documents which in the opinion of the Director Law and Governance (Monitoring Officer) should be sealed, or are required to be sealed, as detailed in the Contract Procedure Rules set out under Part 7 of this Constitution.
- 1.29 The Common Seal will be attested by the Chief Executive, the Director Law and Governance (Monitoring Officer) or the Head of Legal Services (Deputy Monitoring Officer) all of whom can each individually authorise officers to attest the seal.

Changes to the Constitution and its Publication

- 1.30 This Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 1.31 The Monitoring Officer has authority to make changes required by law plus typographical and grammatical amendments and corrections to the Constitution. Any other amendments can also be made following consultation with the Group Leaders. In the event of any disagreement the matter should be referred to the Standards Committee for determination.
- 1.32 Any substantive changes to the Constitution will be considered by the Standards Committee which will recommend appropriate changes to Council.
- 1.33 The approval of the Council is required before any substantive changes to the Constitution are implemented.
- 1.34 The Monitoring Officer will ensure that copies of this Constitution are available for inspection on the Council's website and at the Council's offices and is available for purchase by members of the public or the press for a reasonable fee.