

## Council Issues

### 1. Speeches during the budget debate

The Council's rules of debate limit the length of speeches. Normally members are allowed three minutes to speak except that:

- Proposers of substantive motions – not amendments - are allowed five minutes
- A Cabinet Member (or their nominee) replying to a motion is allowed five minutes.

Different rules apply to the annual budget debate, in recognition that the budget is complex and a key debate for full Council. In the budget debate:

- The Leader - unlimited amount of time to propose and sum up
- Secunder of budget motion - 10 minutes
- Other Cabinet Members – six minutes each, where they are responding to matters within their portfolio.
- Leader of the largest opposition group – 10 minutes (or six minutes each if the largest opposition groups are of equal sizes).

It is proposed that to enable smaller opposition groups sufficient time to propose an amendment to the budget, the allocated time is increased from three to six minutes.

#### **Recommendation:**

That paragraph 16.9.6 (iii) of the Constitution be amended to read:

(iii) When dealing with the annual budget debate the following limits to the lengths of speeches shall apply:

(a) The Leader of the Council when making the budget speech and summing up the debate – no time limit;

(b) The Cabinet Member speaking in support of the budget speech – 10 minutes;

(c) The Leader of the largest opposition group when responding to the budget speech – 10 minutes;

Where the largest opposition groups have an equal number of members then the Leader of each such group – 6 minutes;

(d) Leaders of opposition groups to whom (c) does not apply, when proposing an amendment to the budget motion – six minutes;

(e) Individual Cabinet Members when responding to any specific issues raised in relation to their Portfolio budgets – 6 minutes; and

(f) Any other Member – three minutes.

## **2. Support for the Section 151 Officer**

The Council is required by section 151 of the Local Government Act 1972 to appoint a chief finance officer. The officer is known colloquially as 'the s151 officer'.

Margaret Lee, Executive Director for Corporate and Customer Service is the Council's s151 Officer.

Section 114 of the Local Government Finance Act 1988 places the s151 officer under a statutory duty to report to Cabinet or Council on unlawful expenditure or proposed expenditure.

The law recognises that discharging these statutory duties will require support from officers. Section 114(7) says that the Council must :

*'provide its **chief finance officer** with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this section to be performed.'*

This is similar to the statutory duties to provide sufficient resources to the monitoring officer and to the head of the paid service. Paragraph 4.9 of the constitution refers to the statutory duty to provide resources to the monitoring officer and to the head of the paid service. However, there is an omission in that there is no reference in the constitution to the duty to provide resources to the s151 officer.

Accordingly, it is proposed that the Council should amend paragraph 4.9 of the constitution to reflect that the duty to provide resources applies to the section 151 officer.

## **Recommendation**

That paragraph 4.9 of the Constitution be amended to read:

The Council will provide the Head of the Paid Service, the Section 151 Officer and the Monitoring Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their statutory duties to be performed in accordance with the law.

## **3. Changes to Scheme of Delegations to Officers**

As a result of the departure of two senior managers to take up posts at other local authorities, the Constitution needs to be changed. In summary it is proposed that:

- (a) The powers delegated to the Executive Director, Education and Adult Social Care be transferred as follows:
  - a. Adult Social Care and Health: to the Director, Adult Social Care
  - b. Education: to the Executive Director, Children and Families

- (b) On an interim basis the powers delegated to the Executive Director, Infrastructure and Economy will be transferred to the Executive Director, Economy, Localities and Public Health. The interim period is planned to be six months so it is considered worthwhile changing the constitution to reflect this.

The recommendations do not amend the functions delegated to officers, just change who exercises them.

**Recommendations:**

That the Constitution is amended as follows:

- (1) Delete paragraphs 4.3.2 and 4.3.5 of the constitution and renumber the remaining parts of paragraph 4.3
- (2) Delete paragraph 15.3.3 of the constitution.
- (3) In current paragraph 15.3.4 of the constitution add:
  - (v) To exercise the Council's functions relating to education and training.
  - (vi) To make decisions on the licensing of the employment of children.
- (4) Delete paragraph 15.3.5 of the constitution
- (5) In current paragraph 15.3.6 of the constitution add in the following:
  - (x) To exercise the Council's functions relating to highways, transportation and traffic other than determination of applications or proposals for modification of the definitive map and statement of public rights of way.
  - (xi) To exercise the Council's functions relating to waste and recycling.
  - (xii) To exercise the Council's functions relating to improving the environmental performance and wellbeing of Essex including flood management.
  - (xiii) To exercise the Council's powers with respect to property and facilities management.
- (6) Replace the text under the heading in current paragraph 15.3.8 of the constitution with the following:

- (i) To exercise the Council's social services functions relating to adults.
- (ii) To exercise the Council's powers and duties to people who lack the mental capacity to make some decisions themselves.
- (iii) To exercise the Council's powers relating to community wellbeing and joint working with the NHS.

(7) Renumber paragraphs 15.3.3 to 15.3.11 of the constitution to reflect the above changes.