

## Council Issues

### 1. Amendments to the Constitution

#### a) Oral questions of the representative of the Essex Police, Fire and Crime Panel.

At present, there is a separate agenda item on the council agenda for oral questions from any Member of the ECC representative on the Police, Fire and Crime Panel. However, members cannot ask any operational policing questions or anything about the work of the police since the Panel scrutinises the Commissioner rather than the police, meaning that this power is rarely used.

It is proposed that this is removed as a separate agenda item but that members may ask questions of the ECC representative of the panel under the general oral questions session held under paragraph 16.12.6.

#### **Recommendation:**

(1) That paragraph 16.12.7 of the Constitution that states:

‘16.12.7 Essex Police, Fire and Crime Panel

A Member may ask any question of the representative of the Essex Police, Fire and Crime Panel.’

be removed and subsequent paragraphs renumbered.

(2) That paragraph 16.12.6 be amended by

(i) the addition of

(v) the Member appointed by Essex County Council as its representative on the Essex Police, Fire and Crime Panel.

(ii) movement of the word ‘or’ from the end of sub-paragraph (iii) to sub-paragraph (iv)

#### b) Content and length of speeches and debates

At present, the maximum amount of time permitted for the debate of motions to council is 35 minutes for each motion and the maximum total length of time for all motions is 175 minutes. These timings were agreed when there were five motions permitted at Council.

Having considered the matter at its meeting on 10 June 2019, the Constitutional Working Group agreed to recommend to Council that the maximum time limit for each motion should be 40 minutes and the maximum time limit for all motions should be 160 minutes.

**Recommendation:**

That paragraphs 16.9.6 (ii) (a) and (b) of the Constitution be amended to read

Be amended to read:

- ‘(a) there will be a maximum time limit of 40 minutes per motion and any amendments thereto;
- (b) the maximum length of time for the consideration of all such motions will be 160 minutes;’

**c) Structural changes**

Two senior staffing changes have been agreed which means that constitutional change is necessary:

- (1) The Executive Director, Corporate Development left ECC on 31 May 2019. His duties have been re-allocated amongst other members of the Corporate Leadership team.
- (2) The Executive Director for Corporate and Customer Services and section 151 officer has asked to reduce her working hours. This has been agreed by the Chief Executive with effect from 1 August 2019.

It is proposed that with effect from 1 August 2019 the following changes will apply:

- (1) The Executive Director for Corporate and Customer Services will be responsible for Legal and Assurance, Customer Services, the Coroner Service, Strategy, Insight and Engagement and Delivery and Delivery Assurance (including Commercial and Traded Development).
- (2) A new role of Executive Director, Finance and Technology will be created, for a temporary period of 12 months. It is proposed that this post will become the Council's chief finance officer appointed under section 151 of the Local Government Act 1972. This role will be responsible for Finance and Procurement, Technology Services, Essex Pension Fund and as the Accountable Body for the South East Local Enterprise Partnership. This post will report directly to the Chief Executive.

These changes will be kept under review by the Chief Executive and councillors and a further decision will be required if further changes arise. As a result of this, a number of changes need to be made to the constitution in accordance with the recommendations below. These changes do not make any substantive changes to officer powers, they only seek to redistribute them as set out above.

## **Recommendation**

That with effect from 1 August 2019 the following changes are made to the constitution:

- (1) Paragraph 4.3.5 be amended to read  
  
Executive Director, Finance and Technology
- (2). Paragraph 4.4  
  
Replace 'Executive Director, Corporate and Customer Services' with Executive Director, Finance and Technology
- (3) Paragraph 12.2.4(f)  
  
Replace 'Executive Director, Corporate and Customer Services' with 'Chief Finance Officer'
- (4) Paragraph 15.3.1 (v)  
  
Replace 'Executive Director, Corporate and Customer Services' with 'Chief Finance Officer'
- (5) Paragraph 15.3.2  
  
Replace with:  
  
15.3.2 To the Executive Director, Corporate and Customer Services
  - (i) To be the Proper Officer under Section 115 of the Local Government Act 1972.
  - (ii) To be responsible for:
    - a. Democratic Services
    - b. Emergency Planning
    - c. Health and Safety
    - d. Business Continuity
    - e. Legal Services
    - f. Information Governance

- (iii) To be responsible for the Council's Democratic, Governance and Assurance framework, including democratic support, scrutiny, performance, audit, risk, health and safety, business continuity and insurance and its powers to prevent and detect fraud.
  - (iv) To act as a Deputy in respect of the management of the finance and property of an individual lacking capacity in accordance with the Mental Capacity Act 2005.
  - (v) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council.
  - (vi) To exercise the Council's functions relating to
    - (a) Registration of Births, Deaths and Marriages
    - (b) Coroners.
  - (vii) To exercise the Council's functions relating to publication of material and relations with the press.
- (6) Paragraph 15.3.5

Replace paragraph 15.3.5 with:

#### 15.3.2 To the Executive Director, Finance and Technology

- (i) To act as the Council's officer appointed under section 151 of the Local Government Act 1972 and to make such decisions as are necessary for the proper administration of the Council's financial affairs.
- (ii) To be responsible for:
  - a. all financial management including treasury management and income collection
  - b. external funding
  - c. all the Council's powers and duties with respect to pensions including the Essex Pension Fund and the Council's involvement with other pension schemes

Note: The Executive Director, Finance and Technology is not empowered to change the managers of the Pension Fund or, unless the Chief Executive agrees, to agree the early termination of the employment of any Executive Director or the Monitoring Officer.

- (iii) To exercise the functions of the Council in relation to the pay and conditions of directly-employed teachers who are subject to the School Teachers Pay and Conditions.

- (iv) To act as the Accountable Body representative on all matters in respect of which the Council has agreed to act as or has been appointed as Accountable Body (including the South East Local Enterprise Partnership).
  - (v) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council.
  - (vi) To exercise the Council's powers to trade and to make any decision which the Council may make as a shareholder in any company.
  - (vii) To decide how technology is provided and used by the Council.
  - (viii) To develop strategies for trading and commercial activities to be undertaken by or on behalf of the Council.
- (7) Paragraph 15.3.7
- Insert a new paragraph 15.3.7(iii) To manage the payroll service.
- (8) Paragraph 1.7(ii)
- Replace reference to the Executive Director, Corporate and Customer Services with reference to Chief Finance Officer.