

Report of the Special Committee (Constitution Review) 31 March 2008

Members:

- * Councillor Melvin Cohen LL B (Chairman)
- Councillor Mike Freer (Vice-Chairman)

Councillors:

- | | | |
|------------------|---------------------|-------------------------------|
| * Jack Cohen | * Richard Cornelius | * Lynne Hillan |
| * Linda McFadyen | * Alison Moore | (substituting for Mike Freer) |
| * Matthew Offord | Joan Scannell | * Alan Schneiderman |
| * Daniel Webb | | |

* denotes Member present on 26 March (*see action sheets appended for November and January meetings*)

CONSTITUTION REVIEW 2007/8 (Reports of the Democratic Services Manager and Director of Corporate Governance & Monitoring Officer agenda items 6 & 6A)

The Committee met on 26 November 2006, 30 January 2008 and 31 March 2008 to consider aspects of the Council's Constitution, which had been raised by both officers and Members as matters requiring review. The matrix of changes considered and the Action Sheets relating to the Committee's 26 November 2007 and 30 January 2008 meetings are attached as Appendices 1, A1 and A2.

On 31 March 2008 the Committee considered reports of the officers concerned on all the outstanding matters on which the Committee considered they should make recommendations for change to the Council.

The reports of the officers concerned are being circulated separately to all members of the council

The Democratic Services Manager advised the Committee that the Table of Chief Officers appeared in appendices on Pages 15, 29 and 124 of the agenda and that the Head of Housing and Head of Children and Families should be deleted from that table in all cases.

RESOLVED TO RECOMMEND:

- (1) That the amendments to the Constitution agreed on 26**

November 2007 and 30 January 2008 as detailed in the appendices to this report and as indicated below be approved:

<u>Matrix Reference</u>	<u>Constitutional Reference</u>	<u>Para(s)</u>	<u>Appendix to this report</u>
1	Part 4, Section 1, Council Procedure Rules - 6 Accountability	4.2	A13
3	Overview & Scrutiny Rules – Agenda Items	9	A17
5	Part 3 - Responsibility for Functions – 2 – Responsibility for Council Functions	2 Appeals Committees	A11
6	Part 4, Section 4 - Public Participation	6.5	A16
7	Article 12 - Revised Table of Chief Officers	12.01(b)	A10
7	Part 3 – Responsibility for Functions – Specific Powers	6.9	A11
8	Part 3 – Responsibility for Functions	3.8	A11
12	Contract Procedure Rules	10.3.7.2	A18
14	Council Procedure Rules Section 3 – Panels and Consultative Bodies	1	A15
14	Constitution of the Corporate Joint Negotiation and Consultation Committee	Revised Constitution	A15
15	Part 3 – Responsibility for Functions – Pension Fund Governance Compliance Statement	2.2.8, 2.2.9	A12
16 (1)	Article 12 – Revised Table of Chief Officers	12.01 (b)	A10
16 (2)	Part 3 – Responsibility for Functions – Specific Powers	6.9	A11

<u>Matrix Reference</u>	<u>Constitutional Reference</u>	<u>Para(s)</u>	<u>Appendix to this report</u>
16 (3)	Protocols for Member-Officer Relations – The Role of Officers	5.1	A19
18	Council Procedure Rules – Section 2 – Committees and Sub-Committees – Quorum Rules	4.3	A14
19	Part 3 Responsibility for Functions – 2 – Responsibility for Council Functions	Licensing Sub-Committees	A11
21	Council Procedure Rules – Section 1 – The Council	42.1	A13
22	Council Procedure Rules – Section 1 – The Council	32.1.2	A13
26	Council Procedure Rules – Section 1 – The Council	43.2	A13
27	Article 12	12.05	A10

- (2) (i) That a working day, for the purposes of the Constitution be defined as any day from Monday to Friday, inclusive, excluding Bank Holidays, and as finishing at 11pm;
(ii) An explanatory note be included in the Constitution as set out in the attached appendix A3.
(iii) Any other definitions of a working day be deleted, as set out in the appendices A13 and A14.
(iv) For the purposes of calculating working days, the day of despatch of a document, motion, request, question, fax, letter or email and the day of the meeting is discounted, as set out in the appendix.
- (3) That the proposed Governance Provisions relating to local authority partnerships detailed in Appendix A9 to this report be approved.
- (4) That the proposed amended Council Procedure Rules, Section 2- – Committees and Sub-Committees – paragraph 8 - Councillors rights to attend meetings where they are not a member of a Committee or Sub – Committee, as detailed in Appendix A14 attached, be approved.

- (5) That the changes to the Constitution as a result of the Local Government and Public Involvement in Health Act 2007 as detailed in Appendices A4, A5 A8, A10, A14 and A11- to this report be approved.**
- (6) That the proposed amendments to the Contract Procedure Rules relating to Novation Agreements and the change of thresholds be approved as detailed in Appendix A18.**
- (7) That the quorum for the increased membership of the Standards Committee be 5 to include at least 3 independent lay members and that Part 3 of the Council's Constitution, Responsibility for Functions be amended as per Appendix A14.**
- (8) That Article 4 and Responsibility for Functions be updated to ensure conformity with legislation as detailed in the attached appendices A6 and A11.**
- (9) That Section 4 Public Participation be amended to enable public questions at Cabinet and Committees of the Executive as detailed in attached Appendix A16 and that the Democratic Services Manager be instructed to include wording to clarify the position regarding the difference in procedures for public speaking and questions to Cabinet and Cabinet Committees.**
- (10) That Part 4, Council Procedure Rules – 41.1 Amendments to recommendations be amended to include amendments relating to the recommendation of officers as detailed in the attached Appendix A13.**
- (11) That Article 7 – The Executive be amended as set out in Appendix A7.**
- (12) That with effect from 13 May, 2008, the changes to the Constitution listed below, and as set out in the appendices to this report as indicated, be approved and adopted:**
 - 1. Contents Page – Explanatory Note (Appendix A3)**
 - 2. Preface to the Constitution (Appendix A4)**
 - 3. Constitution of the Council -Summary and Explanation (Appendix A5)**
 - 4. Article 4 – The Full Council (Appendix A6)**
 - 5. Article 7 – The Executive (Appendix A7)**
 - 6. Article 9 – The Standards Committee (Appendix A8)**
 - 7. Article 10 – Area Committees and Forums and Local Strategic Partnership (Appendix A9)**
 - 8. Part 2, Article 12 – Revised Table of Chief Officers (Appendix A10)**
 - 9. Part 3 – Responsibility for Functions (Appendix A11)**
 - 10. Part 3 - Pension Fund Compliance Statement (Appendix A12)**

11. **Part 4, Section 1 - Council Procedure Rules (Appendix A13)**
12. **Part 4, Section 2 - Committees and Sub-Committees (Appendix A14)**
13. **Part 4, Section 3 - Panels and Consultative Bodies (Appendix A15)**
14. **Part 4, Section 4 – Public Participation (Appendix A16)**
15. **Overview and Scrutiny Rules – 9 - Agenda Items (Appendix A17)**
16. **Contract Procedure Rules (Appendix A18)**
17. **Protocols for Member – Officer Relations (Appendix A19)**
- (13) **That the Democratic Services Manager be instructed to make the appropriate changes to the Constitution.**

The meeting finished at 8.34 pm

The appendices to this report are in the process of being created for electronic publication. Anyone wishing to view the appendices should contact :
Stephanie Chaikin, Democratic Services Officer, Tel: 0208 359 2019.

