

Council Meeting
16 December 2008

REPORT OF THE DIRECTOR OF CORPORATE GOVERNANCE
AGENDA ITEM 13.1

1. AMENDMENTS TO THE CONSTITUTION : LEADER'S SCHEME OF DELEGATION:

The Leader has advised that he has amended his Scheme of Delegation to authorise the Director of Resources to cancel penalty charge notices and other sums due to the Council (in addition to individual debts) up to £5000 as follows. The details of the amendments are shown in bold italics which are underlined

Subject to **details being incorporated in the next available budget monitoring** and a report being submitted to Cabinet Resources Committee on the action taken, to write off **individual** debt **amounts of** up to **and including** £5,000 **(including cancellation of penalty charge notices or any other sums due to the Council)** in consultation with the Head of Legal."

RECOMMEND – That the Director of Corporate Governance be instructed to make the necessary amendment to the Council's Constitution.

2. CHANGES TO THE CONSTITUTIONAL RESPONSIBILITY FOR FUNCTIONS

Arising from the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2008 No. 2787 which came into force on 28 November 2008 there have been several changes to the executive/council division of responsibility for functions.

The changes are to insert further functions to the list of functions which are NOT to be the responsibility of the executive of the authority. These specific functions must be discharged by full council, by a committee or sub-committee of the council, or by an officer. The majority of these changes are already suitably provided for in the Council's Constitution, however, the following are not:

1. the power to apply for an enforcement order against unlawful works on common land under section 41 Commons Act 2006;
2. the power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under section 45(2)(a) Commons Act 2006;
3. the power to institute proceedings for offences in respect of such unclaimed land under section 45(2)(b) Commons Act 2006;

As a result, it is necessary to amend the Council's Constitution to include the functions listed above as functions which are not to be the responsibility of the executive of the authority.

RECOMMEND – That;

- 1. The Director of Corporate Governance be instructed to amend paragraph 3 of the terms of reference of the Planning and Environment Committee which is in the Responsibility for Functions section of the Constitution.**
- 2. The amendment should be the addition of the following words after “town and village greens”:
“including powers of protection and enforcement although in practice these specific functions will be discharged by officers.”**

3. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT:

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decision has been implemented.

In the cases listed below, the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore had consented to the proposed decisions being exempted from call-in:

- (i) The Leader of the Council approved on 5 December 2008 the increase of the deposit counterparty limits. The decision required this to be implemented with immediate effect and could not await the next meeting of the Cabinet Overview and Scrutiny Committee on the 10 December 2008.

4. ACTING-UP ARRANGEMENTS

Arising from the appointment of Mr. Leo Boland, the Council's Chief Executive and Head of Paid Service, to the post of Chief Executive to the Greater London Authority, it is necessary for the Council to consider interim arrangements pending the appointment of a new Chief Executive and Head of Paid Service. Under another item in my report, Council has been recommended to establish a Chief Officer Appointments Panel for the purpose of recruiting a successor to Mr. Boland.

The Council is under a statutory duty (Section 4 Local Government & Housing Act 1989) to designate one of its officers as Head of Paid Service.

In order to ensure that the Council fulfils the legal requirements and to ensure that the relevant duties are carried out, Council is asked to approve the appointment of Mr. Brian Reynolds as Acting Chief Executive and Acting Head of Paid Service. Mr. Reynolds, is currently the Executive Director of Environment and Regeneration and Deputy Chief Executive.

Council is further asked to approve the following consequential Chief Officer acting-up arrangements:-

Ms. Jill Stansfield, Executive Director for Communities, as Executive Director for Communities **and Acting Deputy Chief Executive.**

Mr. Stewart Murray, Director of Planning, Housing & Regeneration, as Acting Executive Director of Environment and Regeneration.

Ms. Pam Wharfe, Head of Housing & Environmental Health, as Acting Director of Planning, Housing & Regeneration.

The arrangements to take effect from Monday 22 December 2008.

RECOMMEND - That Council approve the following acting-up arrangements with effect from Monday 22 December 2008:-

1. **Mr. Brian Reynolds as Acting Chief Executive and Acting Head of Paid Service.**
2. **Ms. Jill Stansfield, Executive Director for Communities, as Executive Director for Communities and Acting Deputy Chief Executive.**
3. **Mr. Stewart Murray, Director of Planning, Housing & Regeneration, as Acting Executive Director of Environment and Regeneration.**
4. **Ms. Pam Wharfe, Head of Housing & Environmental Health, as Acting Director of Planning, Housing & Regeneration.**

5. CHIEF OFFICER APPOINTMENTS PANEL – CHIEF EXECUTIVE

Under the Constitution the appointment of Chief Officers is carried out by the Chief Officer Appointments Panel. These panels are constituted as and when required, and Council are asked to consider making the appointment to the above vacancy.

The Panel comprises seven members: four Conservative, two Labour and one Liberal Democrat. Two substitute members are allowed for each political group.

The Panel must include the Leader of the Council or another member of the Executive.

RECOMMEND – That a Chief Officers Appointments Panel be appointed on the basis of

4 Conservatives

2 Labour

1 Liberal Democrat

2 substitutes from each Group

and that a Chairman and Vice – Chairman be appointed.