

<u>MEETING</u> COUNCIL
<u>DATE AND TIME</u> TUESDAY 31ST OCTOBER, 2017 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
11.2	REPORT OF THE CONSTITUTION ETHICS AND PROBITY COMMITTEE - CONSTITUTION REVIEW - ADDENDUM	3 - 4

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Council, 31 October 2017

Addendum – Agenda Item 11, Report of the Constitution Ethics and Probity Committee - Constitution Review AGENDA ITEM 11.2

Following a review of the revised sections of the Constitution it has been identified that minor revisions needs to take place to Article 10 (Decision Making) and Article 11 (Finance, Contracts and Legal Matters) as follows:

Article 10 (Decision Making)

Revised wording (new text in bold):

10.5 Decision making by Chief Officers

Chief Officers have delegated authority to make decisions in accordance with the powers delegated (see Article 9) and other Officers under the Schemes of Delegation maintained by Chief Officers and published on the council's website. ~~A written report is not necessary but the Chief Officer will maintain a list of all decisions over £50,000 as required under Article 9.~~ **A written report is not necessary (except for decisions which (i) grant a permission or licence; (ii) affect the rights of an individual; or (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position) or where a particular decision has been delegated to an officer by Council, a committee or sub-committee, but the Chief Officer will maintain a record of all decisions over £50,000 as required under Article 9.**

Article 11 (Finance, Contracts and Legal Matters)

Revised wording (new text in bold):

11.3 Legal Proceedings

The Assistant Chief Executive is authorised to institute, defend or participate in any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests. ~~The Assistant Chief Executive has delegated powers to authorise officers to appear in court on the Council's behalf.~~

The Council operates a joint legal service with Harrow Council. It has resolved to delegate the exercise of its legal functions to the London Borough of Harrow under Section 101 of the Local Government Act 1972 and of the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2000.

Its functions and delegated powers include responsibility for the following functions:

Acting as Solicitor to the Council and to institute, conduct and, where appropriate, defend and settle criminal and civil legal proceedings and claims concerning the Council's responsibilities and interests except in relation to those covered by the Council's insurance policies. Authorising staff to appear in court

Taking any action in order to protect the interests of the Council or of any person or

property to whom, or for which, the Council has responsibility or in order to give legal effect to any decision or action properly taken by the Council or a Committee or person on behalf of the Council.

Lodging appeals against any adverse finding against the Council in any tribunal or court.

Signing any documentation to give effect to any resolution of the Council in any tribunal or court.

Signing any document necessary to give effect to any resolution of the Council, or any Committee or Sub-Committee.