

<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>COUNCIL</b></p> <p><b>27 January 2016</b></p>		
<p><b>REVIEW OF THE CONSTITUTION</b></p>		
<p><b>Report of the Leader of the Council - Councillor Stephen Cowan</b></p>		
<p><b>Open Report</b></p>		
<p><b>Classification:</b> For Decision</p> <p><b>Key Decision:</b> No</p>		
<p><b>Wards Affected:</b> All</p>		
<p><b>Accountable Director:</b> Tasnim Shawkat, Monitoring Officer</p>		
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## 1. EXECUTIVE SUMMARY

- 1.1. The Council at its meeting on 20 May 2015 agreed revisions to the Constitution and re-adopted the document for the 2015/16 Municipal Year.
- 1.2. This report recommends some further amendments to the Officers Scheme of Delegation to reflect new legislative changes.

## 2. RECOMMENDATIONS

- 2.1 That the changes to the Officers Scheme of delegation, to reflect new legislative changes in Appendix 1, be approved.

## 3. REASONS FOR DECISION

- 3.1 The Council's Monitoring Officer is required to keep the Council's Constitution up to date to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution.

## 4. INTRODUCTION AND BACKGROUND

- 4.1 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of the content of the

Constitution is required by law; the remainder is for the Council itself to determine.

- 4.2 The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

## **5. PROPOSALS AND ISSUES**

### **SCHEME OF DELEGATION**

- 5.1 Since the last update, the following legislation has been enacted. This report is seeking approval of changes the Officers Scheme of delegation to reflect the introduction of the legislation as highlighted in Appendix 1.

#### **Town & Country Planning Act 1990: S70 (and 2C)**

- 5.2 The Scheme of Delegation to officers in the Planning Division had been recently updated to reflect the structure of the division and to relevant legislation. A modification is made to the powers delegated to officers to determine planning applications, item 215, whereby an exclusion relating to compliant small scale domestic applications is applied to Members' requests for decisions to be made by Committee.

#### **Smoke and Carbon Monoxide Alarm (England) Regulations 2015 for scheme of delegation**

- 5.3 These Regulations impose duties on certain landlords of residential premises in respect of smoke and carbon monoxide alarms. The duties do not apply to a landlord who is a registered provider of social housing.

#### **Road Traffic Regulation Act 1984**

- 5.4 This piece of legislation authorises the Director for Transport and Highways to issue Playstreets Orders.

## **6. EQUALITY IMPLICATIONS**

- 6.1 The equalities implications of this decision has been considered to be neutral.

## **7. LEGAL IMPLICATIONS**

- 7.1 It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.

7.2 The Authorities have the power to share officers under s.113 of the Local Government Act 1972. They also have the power to establish joint committees for the joint discharge of non-executive functions, such as appointments, under s.102 of the 1972 Act.

7.3 Implications verified by: Tasnim Shawkat, Director of Law (020 8753 2700)

## **8 FINANCIAL AND RESOURCES IMPLICATIONS**

8.1 There are no direct financial implications.

8.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

## **9 RISK MANAGEMENT**

9.1 There are no significant risk management implications for this report.

9.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

## **10 PROCUREMENT AND IT STRATEGY IMPLICATIONS**

10.1 There are no procurement of IT strategy implications.

10.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

### **LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None.