

**REVIEW OF THE COUNCIL'S CONSTITUTION MAY 2012  
PROPOSED AMENDMENTS**

**APPENDIX 1**

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<b><u>Part 2 – Articles of the Constitution</u></b>		
<b>Article 6 – Overview and Scrutiny Committees</b>	Scrutiny Board – Terms of Reference	<p><u>Add:</u> To monitor the development, implementation and operation of the governance, structures and processes in respect of joint working with other local authorities save for matters within specific service areas which fall within the remit of other Select Committees.</p> <p><u>Rationale:</u> To clarify the authority for a cross-cutting review of Bi and Tri borough structures and processes.</p>
	Environment and Residents Services Select Committee and all subsequent references	<p><u>Amend:</u> the title of this Select Committee to Transport, Environment, Residents Services and Select Committee</p> <p><u>Rationale:</u> To reflect new departmental identities.</p>
	Environment and Residents Services Select Committee – Terms of Reference	<p><u>Add:</u> ‘The discharge of functions contained in s.9FH of Schedule 2 to the Localism Act 2011 to review and scrutinise the exercise by risk management authorities of flood risk management functions which may affect the local authority’s area”.</p> <p><u>Rationale:</u> To comply with the requirements of the Localism Act 2011 to make arrangements for the scrutiny of flood risk management.</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<b>Article 6 – Overview and Scrutiny Committees (cont.)</b>	Para. 6.02 – General role of the Overview and Scrutiny Committees	<p><u>Add</u> to sub-para. (ii), after “make reports and/or recommendations to the Executive and/or the full Council in connection with the discharge of any functions” the words “or a Member or officer exercising the relevant delegated powers”.</p> <p><u>Rationale:</u> To reflect existing practice of Scrutiny Committees making recommendations to Cabinet Members and officers where appropriate.</p>
	Para. 6.03 – Specific functions of the Overview and Scrutiny Committees	<p><u>Delete</u> sub-para. (b) (v) “review and comment upon the development of, or performance against, relevant LAA targets”.</p> <p><u>Rationale:</u> To reflect abolition of LAA</p>
	Para.6.03 – Specific functions of the Overview and Scrutiny Committees	<p><u>Add</u> to sub-para (c ) Scrutiny of Health a further section (vi): “The Overview and Scrutiny Board may exercise these powers in the approval of commissioned Task Group reports and recommendations”.</p> <p><u>Rationale:</u> Regularises the position in respect of recommendations to NHS bodies by Task Groups approved by the Scrutiny Board. This gives them the same statutory status as those of the formally designated health scrutiny committees (Housing, Health and Adult Social Care and Education Select Committees), placing the relevant NHS body under an obligation to consider and respond to the recommendations.</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
	Para. 6.03 - Specific functions of Scrutiny Committees	<p>Add a new sub-section (d) as follows: “<b>Scrutiny of children’s health and welfare</b> : The Education Select Committee has power to review and scrutinise any matters relating to the Children’s Trust Board and to make reports and/or recommendations to the Children’s Trust Board.”</p> <p><u>Rationale:</u> To make provision for the Select Committee to exercise scrutiny functions in relation to the work of the Children’s Trust Board.</p>
<b><u>Part 3 – Responsibilities for Functions</u></b>		
<b>The Executive (Cabinet)</b>	Changes to the composition of the Cabinet	Printed in the Council agenda.
<b>Cabinet Member portfolios</b>	Changes to portfolio responsibilities	Printed in the Council agenda.

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<p><b>Overview and Scrutiny, Regulatory and other Committees – memberships and terms of reference</b></p>	<p>Membership of Scrutiny and other Committees</p> <p>Schemes of delegation to Chief Officers</p> <p>Licensing Committee</p> <p>White City Opportunity Area Working group</p>	<p>Printed in the Council meeting.</p> <p>Detailed amendments have been made to reflect changes to post titles, allocation of delegated functions between departments and the introduction of new powers.</p> <p><u>Add</u> - The Committee shall comprise 16 Councillors (ratio 11:5)</p> <p><u>Rationale</u> – This is to reflect the proportional allocation of seats on the Committee.</p> <p><u>Add</u> to the list of other Committees the title of this new working group and the Terms of Reference attached as Appendix 3.</p>
<p><b><u>Part 4 – Rules of Procedure</u></b></p>		
<p><b>Council Procedure Rules</b></p>	<p>Rule 2 – Business at Ordinary Council Meetings</p>	<p><u>Amend</u> para. 2.1 (g) to provide that Special Motions are not discussed at Extraordinary meetings of the Council as well as at the Budget meeting.</p> <p><u>Rationale</u>: To focus the effort of the meeting on the item(s) which are the reason for calling an Extraordinary meeting.</p>

<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Council Procedure Rules (cont.)</b>	Rule 3 – Business at other Council meetings	<p><u>Amend</u> the final sentence of subsection ( c) so that it reads: “An Extraordinary meeting may consider any of the matters specified in Rule 2.1 above (Business at ordinary Council meetings) except questions submitted by the public.”</p> <p><u>Rationale:</u> Adding the proposed exception regarding questions submitted by the public will bring the agenda for an extraordinary Council meeting into line with Rule 12 (a) which provides that no public questions may be asked at the Annual Council meeting “or any extraordinary meeting”.</p>
	<p>Rule 15 (e) (vi): amendments to a motion which may be moved without prior notice</p> <p>Rule 15 (e) (ix) : motion to adjourn a</p>	<p><u>Amend</u> to read: “Amendment to a motion or recommendation”</p> <p><u>Rationale:</u> Adding the words “or recommendation” to the list of motions or amendments which may be moved without prior notice brings this rule into line with Rule 13.2 (b) which provides for report recommendations being varied by way of amendment. The effect of this proposed change would be that amendments to such recommendations can be moved without prior notice.</p> <p><u>Amend</u> to read: “That the meeting or debate or Special Motion be</p>

	meeting or debate which may be moved without prior notice	now adjourned.”  <u>Rationale:</u> Adding the words “or Special Motion” clarifies that Special Motions (as well as meetings or debates) can be adjourned on a motion made without prior notice.
<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Council Procedure Rules (cont.)</b>	<p>Rule 15 - Rules of debate at Council</p> <p>Rule 15 (l); alteration or withdrawal of a motion</p> <p>Rule 15 (m) and (n): prohibition on smoking and drinking at meetings</p>	<p><u>Add</u> a new sub-paragraph (f) as follows: “<u>On a motion to adjourn a Special Motion:</u> The Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.”</p> <p><u>Rationale:</u> Implements the change to rule 15 (e) (ix) above and creates a similar provision for adjourning Special Motions as for adjourning meetings or debate.</p> <p><u>Amend</u> to allow for a motion to be altered or withdrawn with the consent of the meeting only and not with the consent of the meeting and the seconder.</p> <p><u>Rationale:</u> To clarify current practice.</p> <p><u>Move</u> these prohibitions to a new sub-section within Rule 21.</p> <p><u>Rationale:</u> These prohibitions are misplaced under a section of Rule 15 which deals with moving of amendments and motions.</p>

<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Council Procedure Rules (cont.)</b>	Rule 22 – Admission/exclusion of press and public	<p><u>Add</u> as new sub-para (b): “There are no public speaking rights at Planning Applications Committee. Written petitions made on a planning application are incorporated into the officer report to Planning Applications Committee. Petitioners, as members of the public, are welcome to attend meetings, but are not permitted to speak. They can however be represented by their Ward Councillor, who may address the Committee. Deputation requests are not accepted on applications for planning permission.”</p> <p><u>Rationale:</u> This wording is taken from the Guidance for Councillors and officers dealing with Planning and Licensing in part 5 of the Constitution. Inserting it in Rule 22 will clarify and confirm the position regarding speaking rights at Planning Applications Committee.</p>
<b>Access to Information Procedure Rules</b>	Rule 1 - Scope	<p><u>Delete</u> reference to Task Groups.</p> <p><u>Rationale:</u> Current practice is for task groups to operate on an informal basis with no automatic rights of public access in order to reduce bureaucracy and avoid obstacles to the submission of evidence.</p>

<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Overview and Scrutiny, Procedure Rules</b>	Rule 8 – Overview and Scrutiny Task Groups	<p><u>Amend</u> the first sentence of para. 3 to read: “A Task Group shall have no fewer than three elected members.</p> <p><u>Rationale:</u> Currently, the rule refers to “3 members”. Making clear that the 3 members are Councillors will enable Task groups to co-opt expert members where desirable.</p> <p><u>Add</u> to para. 3: “A Task Group shall have the power to co-opt up to a maximum of two members in a non-voting capacity who are not elected Councillors.”</p> <p><u>Rationale:</u> Clarifying the role and numbers of co-opted members.</p> <p><u>Add</u> a new para. 4: “The Access to Information Procedure Rules do not apply to Scrutiny Task Groups unless the Task Group agreed a motion to the contrary.</p> <p><u>Rationale:</u> Confirming the proposed change to Rule 1 above.</p>
<b>Overview and Scrutiny,</b>	Rule 13 – Reports from Overview and Scrutiny Committees	<u>Replace</u> Rule 13 with the new wording attached as Appendix 2.



<b>Procedure Rules</b>		<u>Rationale:</u> Simplification of process and inclusion of reference to the treatment of Scrutiny recommendations to officers.
<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Overview and Scrutiny, Procedure Rules</b>	Rule 23 – Public participation	<u>Delete</u> reference to Task Groups.  <u>Rationale:</u> Confirming the proposed change to rule 1 above.
	Appendix A – Councillor Call for Action	<u>Delete</u> from the first paragraph the words “the relevant Scrutiny Committee on an issue which is a local government matter (including a matter that relates to the Council’s partners involved in the delivery of Local Area Agreement targets...)” and <u>replace</u> with ‘a Scrutiny Committee any matter which is relevant to its functions....’  <u>Rationale:</u> Widens the scope of issues which any Member can refer to a Scrutiny Committee beyond local government matters in accordance with the Localism Act 2011, and removes obsolete reference to Local Area Agreement targets.
	Appendix B – Deputation requests	<u>Delete</u> reference to Task Groups.  <u>Rationale:</u> Confirming existing practice that Task Groups do not receive Deputations.
<b>Contract Standing</b>	Whole document	The CSOs have been amended and updated in detail.

<b>Orders</b>		
<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b><u>Part 5 – Codes and Protocols</u></b>		
<b>Councillors’ Support and Other Facilities</b>	Sect. 2 – Bulk mailouts	<u>Delete</u> - Section 2 – Bulk Word processing  <u>Rationale</u> - Clarifying that this service is no longer available.
<b>Local Protocol for Councillors on Access to Information/Open Government</b>	Whole document	<u>Insert</u> - Bespoke Planning Protocol as an Appendix  <u>Rationale</u> - For the sake of clarity, the bespoke Planning Protocol agreed by Planning Applications Committee is attached as an Appendix
<b>Handling Councillors and Members of Parliament enquiries – Guidance for Councillors</b>	Para. 3.2 - timescales	<u>Amend existing text.</u>  <u>Rationale</u> - Clarifying that urgent enquiries will be dealt with as soon as reasonably practicable bearing in mind the circumstances.
<b>Guidance for</b>		<u>Delete</u> - existing Code and insert updated Code in light of the

<b>Councillors and Officers dealing with Planning and Licensing</b>		Localism Act 2011  <u>Rationale</u> – To provide Members with up to date advice on predetermination, declaration of Interest and other key issues arising from the Localism Act 2011.
<b>CONSTITUTION SECTION</b>	<b>RELEVANT SUB-SECTION</b>	<b>PROPOSED CHANGES</b>
<b>Information Security policy</b>	Whole document	This Policy has been amended and updated in detail.
<b>Part 6 – Members Allowance Scheme</b>		
	Whole document	Current version replaced with new version approved by Council on 29 February 2012.
<b><u>Part 7 – Management Structure</u></b>		
Organisational structure charts	All charts	Replace with latest versions.

## APPENDIX 2

(New wording in *italics*)

### 13. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on ~~preposals for development~~ *any matter* an Overview and Scrutiny Committee may prepare a formal report and submit it to the ~~Proper Officer~~ for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The Committee may wish to send its recommendations to the Executive or to the Council on the matter if it prefers.
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive on proposals for ~~development~~ on any matter as referred to in 13 (a) above, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee normally within 8 weeks of it being submitted. ~~to the Proper Officer.~~
- (d) ~~Once an Overview and Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader that the matter is to be referred to Council. If the matter is referred to Council, the Leader will be served with notice and the Executive will have 6 weeks in which to respond to the Overview and Scrutiny Committee report. The Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the Overview and Scrutiny Committee proposals.~~
- (e) Where an Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the ~~Council Leader~~ *Council Leader* has delegated the decision to a *Member or Officer*, the Overview and Scrutiny Committee will submit a copy of their report to ~~him/her~~ *the Member or Officer* for consideration. ~~At the time of doing so, the Overview and Scrutiny Committee~~

- ~~shall serve a copy on the Proper Officer. The Member or Officer with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny Committee at the next ordinary meeting following receipt. A copy of his/her written response to it shall be sent to the Proper Officer. The Member or Officer may be asked to attend the meeting of the Overview and Scrutiny Committee to present their response.~~
- (f) All Councillors will in any event have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. At the stage when the Executive makes firm proposals and a provisional decision, in the form of a written and published decision on any matter, it will become available for call-in in accordance with the Council's decision-making process. Such reports will be placed by the Proper Officer on the agenda for the next meeting of the relevant Overview and Scrutiny Committee, subject to the access to information provisions.
- (g) Task Groups shall submit their reports to the Scrutiny Board.

## APPENDIX 3

### NON-STATUTORY ADVISORY/ CONSULTATIVE BODIES

[Note: This Working Group is not a formal Committee of Council. Therefore, it is an advisory body with no legal decision-making powers]

### WHITE CITY OPPORTUNITY AREA WORKING GROUP

#### TERMS OF REFERENCE

- 1.1 The Working Group shall meet on an ad hoc basis, on dates programmed by the Chairman, for the purpose of
  - providing overall discussion and guidance for the officer work planned as part of the Neighbourhood Community Budget pilot.
  - advising the Executive on the overall strategic vision and the long-term redevelopment of White City Opportunity Area and on any formal decisions necessary.
  - discussing draft formal papers related to White City Opportunity Area for Cabinet's consideration.
  - advising the Executive how to deliver greater community control over local services and outcomes, especially in addressing the problems of families with complex needs, housing, worklessness and crime in the Area.
  - working with the White City Neighbourhood Forum to develop and monitor the White City Regeneration programme.
  - acting as the interface between the Council, developers, partner organisations, GLA, Government departments, businesses and members of the public so as to maximise the benefits to be obtained from White City Opportunity Area.
- 1.2 Except as provided herein, Council Procedure Rules shall apply in all respects to the White City Opportunity Area Working Group.
- 1.3 The White City Opportunity Area Working Group shall consist of four members as follows:
  - 2 Administration Councillors and 2 Opposition Councillors.
- 1.4 The quorum shall be 2 members.