

APPENDIX 1

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

NEW EXECUTIVE ARRANGEMENTS – AMENDMENTS REQUIRED TO THE COUNCIL’S CONSTITUTION

CONSTITUTION PAGE (SECTION)	CURRENT WORDING	NEW WORDING
2 (Summary & Explanation)	<p><i>Para.6:</i> “ The Council is responsible for appointing the Executive (Cabinet), and the memberships of Regulatory and Overview and Scrutiny Committees.”</p> <p><i>Para. 7</i> “The Executive is made up of a Leader (who is elected by the majority political group on the Council), a Deputy Leader and a Cabinet of 6 Councillors (“Cabinet Members”) appointed by the Council.”</p>	<p>“ The Council is responsible for electing the Leader (who appoints the other members of the Executive (Cabinet)), and the memberships of Regulatory and Overview and Scrutiny Committees.”</p> <p>“The Executive is made up of a Leader (who is elected by the Council), and a Deputy Leader and a Cabinet of 6 other Councillors (“Cabinet Members”) appointed by the Leader.”</p>
4 (Citizens’ Rights)	<p><i>Bullet point 5:</i> “petition to request a referendum on a Mayoral form of Executive;”</p>	<p>“petition to request a referendum on a permitted change to the current form of Executive.”</p>
14/15 (Functions of the full Council)	<p><i>Para.4.02(a):</i> “adopting and changing the Constitution;”</p> <p><i>Para. 4.02(d):</i> “appointing the Leader and other members of the Executive.”</p>	<p>“adopting and changing the Constitution, including approving schemes of delegation of the non-executive functions of the Council.”</p> <p>“electing the Leader and removing him/her from office, and receiving notification of the appointment of the Deputy Leader and other Executive members.”</p>

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<p>23 (The Executive)</p>	<p><i>Para. 7.02: Form and composition:</i> “The Executive (Cabinet) will consist of an Executive Leader and Councillors appointed to the Executive by the Council, who shall be known as Cabinet Members.”</p> <p><i>Para. 7.03 Leader:</i> “The Executive Leader will be a Councillor appointed to the position of Leader by the Council. The Leader will hold office from one Annual Council meeting to the next or until:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office by resolution of the Council.”</p>	<p>“The Executive (Cabinet) will consist of an Executive Leader (elected by the Council) and other Councillors appointed to the Executive by the Leader who shall be known as Cabinet Members.”</p> <p>“The Executive Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office for a four year term, beginning at the annual Council meeting immediately following the municipal elections and ending on the day of the annual Council meeting immediately following the next succeeding municipal elections, or until:</p> <p>(a) he/she resigns from office; or</p> <p>(b) he/she is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office as Leader by resolution of the Council.”</p>

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<p>23 (The Executive) [cont.]</p>	<p><i>Para. 7.04 Other Executive Members:</i> “Other Executive members (Cabinet Members) shall also be appointed by the Annual Council and shall hold office from one Annual Council meeting to the next or until:</p> <ul style="list-style-type: none"> (a) they resign from office; or (b) they are suspended from being Councillors under Part III of the <u>Local Government Act 2000</u> (although they may resume office at the end of the period of suspension); or (c) they are no longer Councillors; or (d) they are removed from office, either individually or collectively, by resolution of the Council. 	<p>“Other Executive members (Cabinet Members) up to 9 in number shall be appointed by the Leader for a period which he/she shall determine, or until an Executive member:</p> <ul style="list-style-type: none"> (a) resigns from office; or b) is suspended from being a Councillor under Part III of the <u>Local Government Act 2000</u> (although he/she may be reappointed to office at the end of the period of suspension); or (c) is no longer a Councillor; or (d) is removed from office by the Leader. <p>One other Executive member shall be appointed by the Leader as his/her Deputy for a period of four years or until such time as he/she removes the Deputy from office.”</p>
<p>24 (The Executive)</p>	<p><i>Para 7.06 Responsibility for functions:</i> “The Council will appoint all Executive members and will approve the list maintained in <u>Part 3</u> of this Constitution setting out which Cabinet members, Committees, officers or joint arrangements are responsible for the exercise of particular</p>	<p>“The Council will elect the Leader who will appoint all other Executive members and who will be responsible for ensuring that the list maintained in <u>Part 3</u> of this Constitution setting out which Cabinet members, Committees, officers or joint arrangements are responsible for the exercise of</p>

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<p>24 (The Executive) [cont.]</p>	<p>executive functions. Cabinet members may also appoint advisory or consultative bodies to assist them in the carrying out of their executive functions.</p> <p>The Leader retains overall responsibility for the budget and financial matters, the Council’s community strategy, key policy initiatives, and employee relations. The Leader exercises responsibilities individually or in conjunction with designated Cabinet members.</p> <p>In the absence of the Leader, or if he is unable to act, his responsibilities may be discharged by the Deputy Leader.</p> <p>Cabinet members have responsibility for developing policies, setting objectives, taking decisions (either individually or collectively via Cabinet), and monitoring Council and departmental activities, for the areas set out in their portfolios.”</p>	<p>particular executive functions is up to date and reported to the Council as necessary and at each annual meeting. Cabinet members may also appoint advisory or consultative bodies to assist them in the carrying out of their executive functions.</p> <p>The Leader has responsibility for the matters set out in his/her Responsibilities and Portfolio maintained in <u>Part 3</u> of this Constitution. The Leader exercises responsibilities individually or in conjunction with designated Cabinet members as shown in <u>Part 3</u>.</p> <p>In the absence of the Leader, or if he/she is unable to act, his/her responsibilities shall be discharged by the Deputy Leader.</p> <p>Cabinet members have responsibility for developing policies, setting objectives, taking decisions (either individually or collectively via Cabinet), and monitoring Council and departmental activities, for the areas set out in their Responsibilities and Portfolios maintained in <u>Part 3</u> of this Constitution.”</p>

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38 (Review and Revision of the Constitution)	<i>Para. 15.02 Changes to the Constitution sub- para (b):</i> “Change from Leader and Cabinet form of Executive to alternative arrangements, or vice versa: The Council must take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.”	“Change from Leader and Cabinet form of Executive to another permitted form of Executive. The Council must seek approval to such changes by means of a local referendum.”
42-74 (Executive Members : Responsibilities and Portfolios)	<i>Introductory paragraph to all Cabinet member portfolios:</i> “Executive Councillors at LB Hammersmith & Fulham are appointed by the full Council to provide clear and visible Leadership and political accountability for the services and activities covered by their portfolios.”	<i>Leader’s portfolio:</i> “The Leader of Hammersmith & Fulham Council is elected by the full Council to provide clear and visible leadership and political accountability for the services and activities covered by his/her portfolio.He/she is responsible for all executive functions of the Council and shall determine by means of schemes of delegation or otherwise how these functions are to be discharged.” <i>Other Executive members’ portfolios: Other</i> Executive members are appointed by the Leader to provide clear and visible Leadership and political accountability for the services and activities covered by their portfolios.”
43 (Scope of Portfolio – Leader)	<i>Leader’s functions:</i>	<i>New introductory para:</i> The Leader has authority to discharge any Executive function him/herself, or to decide to delegate any Executive function to the Executive, or to any other Executive Member in accordance with the Responsibilities and

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<p>43 (Scope of Portfolio – Leader) [cont.]</p>		<p>Portfolios of Executive maintained in <u>Part 3</u> of this Constitution , or to officers, or to area committees, or to any other authority or any joint arrangements.</p> <p><i>New para. 1.1:</i> “Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed as his/her Deputy.”</p>
<p>98 (Executive Arrangements and General Scheme of Delegation to all Chief Officers</p>	<p><i>Para. 1:</i> The Council has made the following arrangements for the discharge of functions under S.15 of the Local Government Act 2000 in respect of Executive functions and under S.101 of the Local Government Act 1972 in respect of non-executive functions.</p> <p><i>Para. 2:</i> The powers, duties and functions of the Executive (Cabinet) members, Committees, or Officers shall be exercised in the name of and on behalf of the Council.</p> <p><i>Para. 8:</i> Every Executive member, Committee or officer may decline to exercise their powers in a particular case and shall in such instances refer the matter to the Executive, relevant Executive member or the full Council as appropriate in order that a decision may be made, provided that an Executive decision within the Budget and</p>	<p>The Council has made the following arrangements for the discharge of functions under S.15 of the Local Government Act 2000 in respect of Executive functions (as amended by the Local Government and Public Involvement in Health Act 2007) and under S.101 of the Local Government Act 1972 in respect of non-executive functions.</p> <p>The executive powers, duties and functions of the Executive (Cabinet) members, Committees, or Officers shall be exercised on behalf of the Leader.</p> <p>Every Executive member, Committee or officer may decline to exercise their powers in a particular case and shall in such instances refer the matter to the Leader, Executive, relevant Executive member or the full Council as appropriate in order that a decision may be made,</p>

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	Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Executive or an Executive member.	provided that an Executive decision within the Budget and Policy Framework may not be taken by the full Council and a non-executive decision may not be taken by the Executive or an Executive member.
370 (Council Procedure rules)	<i>Annual meetings para. 1.2. – matters to be considered at the annual meeting sub-para (e):</i> “Appointing the Leader and the Executive members of the authority, and approving their respective Portfolio responsibilities.”	“Electing the Leader of the Council for the ensuing four year period.” <i>(new sub-para.f)</i> “Receiving a report from the Leader on the appointment of the Deputy Leader and other members of the Executive.”
409 (Executive Procedure Rules)	<i>Para. 1.2 – Delegation by the Council:</i> “At the annual meeting of the Council, the Council will determine delegations for inclusion in the Council’s scheme of delegation at <u>Part 3</u> to this Constitution. The document will contain the following information about Executive functions in relation to the coming year: (i) the names of the people appointed to the Executive (Cabinet) by the Council; (ii) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;	“At the annual meeting of the Council and at other meetings of the Council as necessary, the Council will receive a report from the Leader about the delegation of executive functions which he/she has determined for inclusion in the Council’s Scheme of delegation at <u>Part 3</u> of the Constitution. The document will contain the following information about Executive functions in relation to the coming year: (i) the names of the other Councillors appointed to the Executive (Cabinet) by the Leader;

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	<p>(iii) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and</p> <p>iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.</p>	<p>(ii) the extent of any authority delegated to the other Executive Members individually and collectively, including details of the limitation on their authority;</p> <p>iii) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and</p> <p>(iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.”</p>
<p>410 (Executive Procedure Rules)</p>	<p><i>Para. 1.4 – The Council’s Scheme of Delegation and Executive functions:</i> “The Council’s scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in <u>Part 3</u> of the Constitution.”</p>	<p>“The Council’s scheme of delegation of executive functions as determined by the Leader will be reported annually to the the Council and may only be amended by the Leader. It will contain the details required in Article 7 and set out in <u>Part 3</u> of the Constitution.”</p>

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486 (Local Protocol for and Cabinet Members)	<i>Section 3 para.3.1 – The role of Cabinet Members:</i> “Cabinet Members are appointed by the full Council, with a defined portfolio of responsibilities.”	“The Leader is elected by the full Council and other Cabinet Members are appointed by the Leader.”