

 the low tax borough	<b>London Borough of Hammersmith &amp; Fulham</b>  <b>COUNCIL</b>  <b>29 JANUARY 2014</b>
<b>REVIEW OF THE COUNCIL'S CONSTITUTION AND CHANGES TO ANNUAL COUNCIL DATE</b>	
<b>Report of the Leader of the Council: Councillor Nicholas Botterill</b>	
<b>Open Report</b>	
<b>Classification:</b> For Decision  <b>Key Decision:</b> No	
<b>Wards Affected:</b> All	
<b>Accountable Director:</b> Tasnim Shawkat, Monitoring Officer	
<b>Report Author:</b> Kayode Adewumi, Head of Governance and Scrutiny	<b>Contact Details:</b> Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

## 1. EXECUTIVE SUMMARY

- 1.1. This report requests Council to amend the Wormwood Scrubs Charitable Trust Committee terms of reference and note the changes made to the Officer scheme of delegation by the Monitoring Officer since the last meeting. It also seeks approval to change the date of next Annual Council meeting from 28 May to 16 June 2014.

## 2. RECOMMENDATIONS

- 2.1. That the changes to the Wormwood Scrubs Charitable Trust Committee terms of reference, as summarised in section 5.3 of the report and attached as Appendix 1, be approved.
- 2.2. The amendment to the Bi – Borough Director of Transportation and Technical services scheme of delegation as authorised by the Monitoring Officer, be noted.
- 2.3. That the change of date for the next Annual Council meeting from Wednesday 28 May 2014 to Monday 16 June 2014, 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 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.
- 4.2. This report outlines minor revisions made, under the Monitoring Officer's delegated powers, to the Scheme of Delegation to reflect legislative changes and a proposed amendment to Wormwood Scrubs Charitable Committee terms of reference.

#### **5. CHANGES TO THE CONSTITUTION**

- **Wormwood Scrubs Charitable Trust Committee**

- 5.1. At its last meeting on 11 December 2013, the Committee agreed that one of its key priorities for the year was to improve its financial position and eliminate the loss currently being made as soon as possible.
- 5.2. The Committee noted that it was unlikely to meet frequently enough to be in a position to make timely decisions for the Trust. Therefore it agreed to put interim arrangements in place until after the January 2014 full Council Meeting to authorise the Director of Safer Neighbourhoods to take any decisions having a financial consequence of up to £100,000. If such a decision has financial consequences of more than £20,000, it would be made after consultation with the Chairman. Such decisions taken outside the Committee cycle will be circulated and reported to Committee members for information. Additionally any expenditure over £1000 will be listed and made available to Members of the Committee for transparency purposes. The Committee will make all other decisions with financial consequences of more than £100,000. In practice it has not been necessary to make any decisions with a financial consequence greater than £20,000 using these interim arrangements.
- 5.3. This report is seeking authority to designate the Chairman of the Wormwood Scrubs Charitable Trust Committee as its agent. This will allow the Chairman to have delegated power to make decisions up to £100,000 with the Director of Safer Neighbourhoods making decisions up to £20,000. The Committee would still reserve decisions of more than £100,000 to itself. These thresholds have been chosen to mirror the levels of authority exercised by Cabinet, Cabinet Members and senior officers for ordinary Council business.

- **The Food Safety and Hygiene (England) Regulations 2013**

- 5.4. On the 20 December 2013, officers were advised that The Food Hygiene (England) Regulations 2006 had been revoked and replaced by The Food Safety and Hygiene (England) Regulations 2013 which came into effect from 31 December 2013. This had an immediate impact on the service provided by the Public Protection and Safety Division of the Transportation and Technical Services Department. On the 23 December 2013, the Monitoring Officer approved the necessary amendments to the scheme of delegation which has permitted Environmental Health Officers to be authorised to carry out food safety inspections.

## **6. ANNUAL COUNCIL MEETING - CHANGE OF DATE**

- 6.1. The Council's Annual meeting is currently scheduled for Wednesday 28 May 2014. Due to the combined Local and European Parliamentary elections being held on Thursday 22 May 2014, this report is proposing that the meeting be moved to a later date. The current scheduled date will not allow adequate time for the political parties to agree Committee Memberships nor for officers to put in place arrangement for an Annual Council meeting.
- 6.2. The Local Government 1972 Act states that in a year of ordinary elections of Councillors to the Council, the Annual Council meeting must take place on the eighth day after the day of retirement of the Councillors or such other day within 21 days immediately following the day of retirement as the Council may fix. Taking into account that Members will commence their terms of office or deemed retired on the fourth day after being elected. Monday 16 June 2014 falls within the 21 day period.
- 6.3. This report recommends that the Annual Council meeting is held on Monday 16 June 2014.

## **7. EQUALITY IMPLICATIONS**

- 7.1. There are none.

## **8. LEGAL IMPLICATIONS**

- 8.1. 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.
- 8.2. Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700.

## **9. FINANCIAL AND RESOURCES IMPLICATIONS**

- 9.1. There are no direct financial implications.
- 9.2. Implications verified/completed by: Mark Jones 020 8753 6700.

## **10. RISK MANAGEMENT, PROCUREMENT AND IT STRATEGY IMPLICATIONS**

- 10.1. There are no significant risk management, procurement or IT strategy implications.
- 10.2. Implications completed by Kayode Adewumi, Telephone: 020 8753 2499.

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

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	None		