

Monitoring Officer's Report to Council

26 MAY 2010

ANNUAL REVIEW AND ADOPTION OF THE COUNCIL'S CONSTITUTION

THE WARDS
All

Summary

The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution. A report on this subject is therefore included on the Annual Council Meeting agenda each year.

The Council's Constitution is based on a model published by the Government following the introduction of the Local Government Act 2000. The Council adopted a new style Constitution in May 2002, with a Leader, Cabinet and Overview and Scrutiny Committees.

CONTRIBUTORS:

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The Local Government and Public Involvement in Health Act 2007 ("the Act") requires all Councils to change their decision making arrangements by May 2010. In January 2010, the Council adopted the new style Leader and Cabinet executive model commonly known as 'the strong leader' model. The new arrangements took effect from the third day after the local elections in May 2010. Under the 'strong leader' model, Cabinet appointments, portfolios and the delegation of all executive functions are now the responsibility of the Leader and not the Council. Other in-year amendments were made to reflect changes to Cabinet portfolio responsibilities and changes to the Schemes of Delegation.

A further report on this agenda outlines proposals for a reduction in the size, number and frequency of some Council committees and for improving decision-making across the Committee structure. The Constitution was last reviewed at the Annual Council on 27 May 2009.

RECOMMENDATIONS

- 1. That the minor updates, amendments and corrections proposed to the Council Constitution, as set out in Annex 1 to the report, be agreed.**
- 2. Subject to agreement of the above, that the Council's Constitution be re-approved and re-adopted for the 2010/11 Municipal Year.**

1. COMMENTS OF MONITORING OFFICER

- 1.1 Over the past 12 months, changes have been made to the Constitution to reflect changes to the governance arrangements, Cabinet portfolio responsibilities and amendments to the Schemes of Delegation. 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.
- 1.2 The Council's Executive and Scrutiny processes have continued to operate as intended and as laid out in the Constitution over the past year. A separate report on this agenda *Changes to the Council's Committee and Scrutiny Arrangements* outlines proposals to improve the Council's Committee and Scrutiny arrangements. It also recommends that the post of Statutory Scrutiny Officer be added to the Constitution. The proposed changes and the reasons for them are set out in Annex 1.

2. OVERVIEW AND SCRUTINY, AND AUDIT AND PENSION FUND MANAGEMENT FUNCTIONS

- 2.1 The changes proposed to the Scrutiny function of the Council to reflect the new arrangements set out in the separate report on the Council agenda relate primarily to the structure, terms of reference and procedure rules of the Overview and Scrutiny Committees. There are also a number of consequential changes elsewhere in the Constitution.
- 2.2 The separate report also proposes the amalgamation of the Audit and Pensions Fund Management Committees. The Constitution requires amending to give effect to these changes.

3. SCHEMES OF DELEGATION AND OTHER CHANGES

- 3.1 Revisions were made, last year, to the Scheme of Delegation to reflect the transfer of powers and functions from the Environment department to the Residents Services department in line with the new corporate structure. As in previous years, further minor amendments to the detailed Schemes of Delegation (which set out how responsibilities are assigned from the Council to its Directors and other officers) are being proposed.
- 3.2 Under the new executive arrangements, the Leader is responsible for the appointment of the Cabinet and for the delegation of functions between the Cabinet and officers, and not Full Council. Executive functions are all those functions which are not required by law to be dealt with by Full Council or one of its committees. Any changes made by the Leader in-year to the Cabinet, Cabinet portfolios or the delegation of executive functions to officers will be dealt with by way of a Cabinet Member (Leader's) Decision and will be reported to Cabinet and Full Council for information.

4. CONTRACTS STANDING ORDERS

- 4.1 These have been reviewed and updated where necessary.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

| No. | Brief Description of Background Papers | Name/Ext. of holder of file/copy | Department/Location |
|------------|---|--|--|
| 1. | Review of the Constitution Working papers/file | Kayode Adewumi Head of Councillors' Services, Ext 2499 | Second Floor, Hammersmith Town Hall, Room 202a |