

	London Borough of Hammersmith & Fulham COUNCIL 16 JUNE 2014
REVIEW OF THE CONSTITUTION	
Report of the Leader of the Council	
Open Report	
Classification - For Decision Key Decision: No	
Wards Affected: All	
Accountable Director: Tasnim Shawkat, Monitoring Officer	
Report Author: Kayode Adewumi, Head of Governance and Scrutiny	Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. 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.
- 1.2. 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.
- 1.3. In-year amendments were approved by the Council in October 2013 to agree changes required to the Terms of Reference of the Audit, Pensions and Standards Committee to reflect recommendations relating to alleged breaches of the Members' Code of Conduct. Council in January 2014 also agreed changes to the terms of reference of the Wormwood Scrubs Charitable Trust Committee to provide additional decision-making powers to its Chairman and noted minor amendments to one of the officer Schemes of Delegation.
- 1.4. The Constitution was last reviewed at the Annual Council on 29 May 2013. This report recommends major changes to Cabinet portfolios and to the arrangements for Overview and Scrutiny as well as other more minor amendments.

2. RECOMMENDATIONS

- 2.1 That the amendments to the Council's Constitution as set out in para. 5.1 to 5.3 and **Appendices 1 and 2** of the report be agreed.
- 2.2 That amendments to Articles 4 and 6 of the Constitution; amendments to the Officer Schemes of Delegation to reflect updates in legislation and changes to the titles of posts; and changes to the Council Procedure Rules in the interest of consistency, as set out in **Appendix 3**, be agreed.
- 2.3 That the Monitoring Officer be authorised to make changes to the Constitution consequent upon the agreement of Recommendations 2.1 and 2.2, in consultation with the Chief Whips.
- 2.4 That subject to the agreement of Recommendations 2.1 to 2.3, the Council's Constitution be approved and adopted for the 2014/15 Municipal Year.

3. REASONS FOR DECISION

- 3.1 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. This year, the new Council Administration is proposing major changes to the Constitution.

4. INTRODUCTION AND BACKGROUND

- 4.1 Each Local Authority is required to publish the arrangements it has made to discharge its functions in a "constitution" prepared in accordance with Section 37 of the Local Government Act 2000.
- 4.2 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.
- 4.3 Annually the Constitution is reviewed to ensure it continues to promote timely, effective, transparent and lawful decision making reflecting the arrangements Members have put in place for the running of the Council.
- 4.4 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

5.1 The new Labour Administration of the Council has proposed the following changes to the Executive and Overview and Scrutiny arrangements:

a) A Cabinet (Executive) of nine Members (portfolio details in Appendix A):

- The Leader
- The Deputy Leader
- Cabinet Member for Finance
- Cabinet Member for Economic Development and Regeneration
- Cabinet Member for Housing
- Cabinet Member for Environment, Transport and Resident Services
- Cabinet Member for Health and Adult Social Care
- Cabinet Member for Children and Education
- Cabinet Member for Social Inclusion

b) The creation of two new Member posts outside the Cabinet (description of responsibilities at Appendix A):

- Lead Member for Contracts
- Lead Member for Hospitals and Health Care

c) The posts of Chief Whip and Deputy Chief Whip (description of responsibilities at Appendix A) to be outside the Cabinet

5.2 The new administration also proposes to abolish the existing Overview and Scrutiny Committees, and replace them with five Policy and Accountability Committees (PACs), the Terms of Reference of which are set out in Appendix B:

- The Finance and Delivery Policy and Accountability Committee
- The Community Safety, Environment and Residents Services Policy and Accountability Committee
- The Children and Education Policy and Accountability Committee
- The Health, Adult Social Care and Social Inclusion Policy and Accountability Committee
- The Economic Regeneration, Housing and the Arts Policy and Accountability Committee

5.3 It is also recommended to change the name of the Planning Applications Committee to Planning and Development Control Committee to avoid confusion with the Policy and Accountability Committees.

5.4 The size of the Council's Cabinet will therefore increase by one Member. The new Policy and Accountability Committee structure will develop key policies for the Council on behalf and with the residents and community groups and hold the Executive to account.

5.5 As in previous years, the detailed Schemes of Delegation (which set out how responsibilities are assigned from the Council to its Executive Directors and other

officers) have been reviewed and updated where necessary. Except for the Scheme of General Delegation to Chief Officers, the Chief Executive's Scheme of Delegation and the Schemes of Delegation to the Executive Director of Finance and Corporate Governance, the Monitoring Officer and the Director of Law, these Schemes will not form part of the main Constitution document but will be maintained as Annexes to it, in order to reduce the size and complexity of the document. The main changes are set out in Appendix C, and the Council is recommended to approve these, noting that there are minor changes to statutory functions and the titles of officer posts which have already been approved by the Monitoring Officer under delegated arrangements. Certain other minor updates and changes are also proposed in Appendix C in the interests of clarity and internal consistency.

5.6 If the changes proposed in this report are agreed, there will be consequential changes to terminology and nomenclature throughout the Constitution.

6. EQUALITY IMPLICATIONS

6.1 There are none.

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 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.

10. PROCUREMENT AND IT STRATEGY IMPLICATIONS

10.1 There are no procurement of IT strategy implications.

10.2 Implications completed by Alan Parry, Procurement Consultant, Telephone: 020 8753 2581

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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Council Constitution 2013/14	Kayode Adewumi x.2499	Governance & Scrutiny