

**REVIEW OF THE COUNCIL’S CONSTITUTION JUNE 2014
PROPOSED AMENDMENTS**

APPENDIX 3

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<u>Part 2 – Articles of the Constitution</u>		
Article 4 – The Full Council	4.01 – Definitions: Policy Framework	<p><u>Delete:</u> The current list of plans and strategies which are currently required by law to be approved by full Council and substitute:</p> <ul style="list-style-type: none"> • Plans or strategies for the control of the authority’s borrowing, investments or capital expenditure or for determining the authority’s minimum revenue provision • Development Plan Documents • Licensing Authority Policy Statement • Community Strategy <p><u>Rationale:</u> Updating the list to include only those plans and strategies which still require full Council approval.</p>
	4.02 – Functions of the Council	<p><u>Add</u> to sub-para. (e) “agreeing and/or amending the terms of reference for Committees or Panels; deciding on their composition; and making appointments to them” the words “for each municipal year until the next following Annual Meeting of the Council or until such time as the Council determines otherwise.”</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
		<p><u>Rationale:</u> To make clear that the membership of all Council Committees and Panels will normally continue from one Annual Council meeting until the next, reducing the potential for misinterpretation.</p>
<p>Article 6 – Overview and Scrutiny Committees</p>	<p>6.02 to 6.05</p>	<p>The changes recommended to abolish Overview and Scrutiny Committees and replace them with Policy and Accountability Committees will require changes to be made to these sections of Article 6. The report seeks approval to the Monitoring Officer making these and other consequential changes in consultation with the Chief Whips.</p>
<p><u>Part 3 – Responsibilities for Functions</u></p>		
<p>General Scheme of Delegation to Chief Officers</p>	<p>Whole document</p>	<p>The existing General Scheme has been updated and expanded by deleting key top-level delegations (including those to Statutory Officers) from the Schemes of Delegation of individual departments and incorporating them into the General Scheme, copies of which will be available at the Council meeting.</p> <p><u>Rationale:</u> To make the Constitution shorter, more manageable and more user-friendly by including in it only the key top-level delegations. Departmental Schemes of Delegation will be published as stand-alone annexes to it.</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
Scheme of Delegation – Chief Executive	Local Government Act 1972, sections 83, 88, 89 etc.	<p><u>Delete.</u></p> <p><u>Rationale:</u> Key top-level delegations. <u>Transfer</u> to new General Scheme of Delegation to Chief Officers.</p>
Director of Law - Scheme of Delegation	Local Government Act 1972, parts of Schedules 12 and 14 and section 238.	<p><u>Delete.</u></p> <p><u>Rationale:</u> Key top-level delegations. <u>Transfer</u> to new General Scheme of Delegation to Chief Officers</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<p>Schemes of Delegation – Executive Director of Finance and Corporate Governance</p>	<p>Financial functions: Local Government Act 1972, sections 115 and 146;</p> <p>Corporate Governance functions: Representation of the People Act 1983</p> <p>Financial functions : Sections 7(e), 11 and 14</p> <p>Financial functions: Section 8 and Corporate Governance functions : passim.</p> <p>Sections 15, 22, 24</p>	<p><u>Delete.</u></p> <p><u>Rationale:</u> Key top-level delegations. <u>Transfer</u> to new General Scheme of Delegation to Chief Officers.</p> <p><u>Amend:</u> “Recovery Manager” to read “Head of Recovery” and add Taxation manager to the list of postholders able to exercise the relevant powers</p> <p><u>Add</u> Bi-borough Director of Human Resources</p> <p><u>Amend</u> post titles to Tri-borough format in relation to Audit and Fraud.</p> <p><u>Rationale:</u> To reflect changes to departmental structure and post titles.</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<p>Scheme of Delegation – Bi-borough Executive Director of Environment, Leisure and Residents Services</p>	<p>Cemeteries Order 1977/ Local Authorities Cemeteries Order 1974</p> <p>Applications to use Fulham Palace grounds</p> <p>Passim:</p>	<p><u>Amend</u> legislation references.</p> <p><u>Delete</u></p> <p><u>Update</u> post titles.</p> <p><u>Rationale:</u> To reflect changes to legislation, the Council’s powers and to post titles.</p>
<p>Scheme of Delegation - Bi-borough Executive Director of Transport and Technical Services</p>	<p>Passim</p>	<p><u>Add</u> delegation in relation to new legislation (particularly the Localism Act 2011, the Enterprise and Regulatory Reform Act 2013, the Scrap Metal Dealers Act 2013) and a new section on internal Financial controls.</p> <p><u>Update</u> references to legislation</p> <p><u>Amend</u> officer post titles</p> <p><u>Rationale:</u> To reflect latest legislative changes and amendments to post titles; clarity.</p>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
Scheme of Delegation – Executive Director of Housing and Regeneration	Passim	<p><u>Amend</u> officer post titles.</p> <p><u>Rationale:</u> To reflect changes to officer post titles.</p>
Scheme of Delegation - Tri-Borough Executive Director of Adult Social Care	Sections 2 to 8	<p><u>Adding</u> to the officers to whom statutory functions are delegated the Tri-borough Director of Provided Services, Mental Health Partnerships and Safeguarding.</p> <p><u>Rationale:</u> To reflect the allocation of responsibilities within the department.</p>
<u>Part 4 – Rules of Procedure</u>		
Council Procedure Rules	Rule 3 – 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>

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
	Rule 16 – Voting at Council and Committee Meetings	<p><u>Add</u>: a new subsection (f) reading as follows: “Immediately after any vote is taken at a Budget meeting of the Council to decide the budget there shall be recorded in the minutes of the proceedings of the meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.”</p> <p><u>Rationale</u>: To comply with the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, coming into force on 25 February 2014.</p>
Contract Standing Orders	Publication of Contracts Notices/Advert	<p><u>Delete</u> - The requirement from the CSOs for contract advert/notice on the H&F website and London Tenders Portal.</p> <p><u>Add</u> - To advert all Contract notices on the capital-E-sourcing portal as the only place where they are to be published.</p> <p><u>Rationale</u> - To remove duplication of work.</p>
Part 5 – Codes and Protocols	Guidance for Members and Officers dealing with Planning and Licensing	<p><u>Add</u> - Public Speaking At Planning And Development Control Committee (Protocol) - To add the protocol to allow applicants, objectors or supporters of the application to speak at meetings and update the existing practice.</p> <p>Rationale – To allow public participation at Planning meetings.</p>