

**REVIEW OF THE COUNCIL'S CONSTITUTION JANUARY 2015
PROPOSED AMENDMENTS**

APPENDIX 1

CONSTITUTION SECTION	RELEVANT SUB-SECTION	PROPOSED CHANGES
<u>Part 3 – Responsibility for functions</u>		
General Scheme of Delegation; Scheme of Delegation – Chief Executive	Passim.	<p><u>Amending</u> references to “joint Chief Executive” to read “Chief Executive.</p> <p><u>Rationale:</u> To reflect the appointment of a Chief Executive for H&F.</p>
Schemes of delegation – Tri-Borough Executive Director of Adult Social Care	Section 12 – Children looked after by the department	<p>Para. 12.5: “To arrange the placement of children being looked after by the department”</p> <p><u>Add</u> “including commissioning of external placements in independent fostering placements and residential care homes.”</p> <p><u>Rationale:</u> To clarify the scope of the delegation</p> <p>Para. 12.10: To <u>increase</u> the authorisation of one-off payments per child placed, in cases where the child care arrangement requires an adaptation to the carer’s home, or the purchase of a new larger house, from £25,000 to £40,000</p> <p><u>Rationale:</u> To reflect the increasing costs of adaptations and property prices.</p>

		<p>Para. 12.18: <u>Add</u> “and Child Arrangement Order” to the delegation to authorise financial support by way of a Residence Order Allowance under paragraph 15(1) Sch. 1 of the Children (Leaving Care) Act 2001.</p> <p><u>Rationale:</u> To reflect the powers currently available to the Council.</p> <p>Para. 13.3: To <u>amend</u> this delegation to read: “To make application to a court for a Placement Order to provide the Council with the legal authority to place a child in the Department's care for adoption.”</p> <p><u>Rationale:</u> Legislative update.</p>
<p>Schemes of delegation – Bi-Borough Executive Director of Environment, Leisure and Residents</p>	<p>Additional Powers</p>	<p>Section 79-82 of the Environmental Protection Act 1990; relating to statutory nuisance Section 51 of the New Roads and Street Works Act 1991: relating to unauthorised street works Section 222 of the Local Government Act 1972: relating to prosecution of offences outside the Borough</p> <p><u>Rationale:</u> Legislative update. All of these powers would come under Director of Cleaner Greener and Cultural Services.</p>
<p>General Scheme of Delegation; Scheme of Delegation – Chief Executive</p>		<p>Qualified Person for the purposes of the Freedom of Information Act</p> <p>The Monitoring Officer has been authorised by the Secretary of State as the primary qualified person for the purposes of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs). In the absence of the Monitoring Officer the Town Clerk is so authorised.</p>