



London Borough of Hammersmith & Fulham

COUNCIL

28 JANUARY 2015

REVIEW OF THE COUNCIL'S CONSTITUTION - IN YEAR REVISIONS

Report of the Leader of the Council: Councillor Stephen Cowan

Open Report

Classification: For decision

Key Decision: No

Wards Affected: All

Accountable Director: Tasnim Shawkat, Monitoring Officer

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Head of Governance and Scrutiny

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1. EXECUTIVE SUMMARY

- 1.1. The Council at its meeting on 16 June 2014 agreed revisions to the Constitution and re-adopted the document for the 2014/15 Municipal Year.
- 1.2. This report recommends some further amendments:
 - (1) Establish two Lead Member posts outside the Cabinet.
 - (2) Make some in year changes to reflect updates to the Officer Schemes of Delegation as a result of changes in legislation and revisions to officer titles and posts.
 - (3) Make provision for Members to receive Council Summons electronically.
- 1.3. The Monitoring Officer 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. The Council is asked to note these changes.

2. RECOMMENDATIONS

- 2.1. That the creation of a Lead Member Representative for the Armed Forces post be approved and Councillor Alan De'Ath be appointed into this post.
- 2.2. That the creation of a Local Business Champion post be approved and Councillor Ben Coleman be appointed into this post.

- 2.3. That the Constitution be amended to allow Members to receive Summons electronically.
- 2.4. That the minor amendments made to the Officer Schemes of Delegation by the Monitoring Officer, as set out in Appendix 1 of the report, be agreed.

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. PROPOSALS

- 4.1 The Administration has proposed the creation of two Lead Member posts outside the Cabinet. The postholder will support the Administration in achieving its manifesto commitments. Both posts will not be entitled to a special responsibility allowance. The description of each portfolio's responsibilities is listed below.

- **LEAD MEMBER REPRESENTATIVE FOR THE ARMED FORCES**

- 4.2 This post-holder will be working directly with the Cabinet Member for Social Inclusion to:

- 1.1 drive forward council policy and initiatives which seek to improve the housing options, career and other opportunities and inclusion of returning armed forces personnel and their families.
- 1.2 support and assist the Royal British Legion and other voluntary organisations in recognising the work and sacrifice of armed forces personnel defending the UK, its interest and way of life.
- 1.3 promote remembrance and commemorative events.

- **LOCAL BUSINESSES CHAMPION**

- 4.3 The Local Business Champion is recognised as a key function of the Chair of the Economic Regeneration, Housing and the Arts Policy and Accountability Committee. The role is to champion the business sector and ensure small businesses have a strong voice within LBHF:

- 1.1 develop and pilot policy initiatives that benefit local businesses and the borough's economy.
- 1.2 help build a consensus between business people and the council on the council's support (policies and approach) needed for enterprise and businesses to start up, thrive and grow in the borough, and to champion support for businesses within the council.
- 1.3 work to ensure the borough's commercial centres and high streets are competitive and commercially beneficial places to locate to.

- 1.4 to be a further identifiable point of contact for borough businesses on council matters.
- 1.5 monitor the performance of the Economic Development and Procurement teams in supporting these objectives.

- **THE LOCAL GOVERNMENT (ELECTRONIC COMMUNICATIONS) (ENGLAND) ORDER 2015**

4.4 This Order modifies provisions in Schedule 12 to the Local Government Act 1972 for the purpose of enabling and facilitating the use of electronic communications in the sending of summonses of meetings to Members of the Council. Previously, Members were only able to receive hard copies of Council Summons irrespective of their preference to receive agendas electronically. The legislation will allow Members to receive summonses electronically where they consent to it being transmitted by this method. The summons may be sent to members by the following methods:-

(i) leaving it at, or sending it by post to the Member's usual place of residence, or

(ii) where the Member has specified an address other than the Member's usual place of residence, leaving it at, or sending it by post to that different address, or

(iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.

4.5 Members will be written to seeking permission for the transmission of summons by electronic means. Where such written consent has been given, they will no longer receive paper copies of agendas. This consent may at any time be withdrawn. The Order shall come into force on 30 January 2015.

- **SCHEME OF DELEGATION**

4.6 **Appendix 1** outlines the main revisions made, under the Monitoring Officer's delegated powers, to the Scheme of Delegation of powers to officers in part 3 of the Constitution. These reflect legislative changes and updates to titles and jobs as a result of changes to legislation and changes in departmental structures. The changes and the reasons for them are set out the Appendix. On 5 November 2014 Mr Nigel Pallace was appointed as Interim Chief Executive to strengthen the Council's sovereignty. The title of Joint Chief Executive has been replaced with Chief Executive in the constitution.

4.7 Amendments are proposed to Section 12 of the Tri-Borough Executive Director of Adult Social Care and Health schemes of delegation regarding Children looked after by the department. The details are contained in Appendix 1.

5. EQUALITY IMPLICATIONS

5.1. There are none.

6. LEGAL IMPLICATIONS

- 6.1. 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.
- 6.2. Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700.

7. FINANCIAL AND RESOURCES IMPLICATIONS

- 7.1. The allowances can be accommodated within the existing budget.
- 7.2. Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

8. RISK MANAGEMENT

- 8.1. There are no significant risk management implications for this report.

9. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 9.1. There are no procurement of IT strategy implications.

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.	None		