


<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>21 OCTOBER 2015</p>		
<p>REVIEW OF THE CONSTITUTION</p>		
<p>Report of the Leader of the Council - Councillor Stephen Cowan</p>		
<p>Open Report</p>		
<p>Classification: For Decision</p>		
<p>Key Decision: No</p>		
<p>Wards Affected: All</p>		
<p>Accountable Director: Tasnim Shawkat, Monitoring Officer</p>		
<p>Report Author: Kayode Adewumi, Head of Governance and Scrutiny</p>	<p>Contact Details: Tel: 020 8753 2499 E-mail: kayode.adewumi@lbhf.gov.uk</p>	

1. EXECUTIVE SUMMARY

- 1.1. The Council at its meeting on 20 May 2015 agreed revisions to the Constitution and re-adopted the document for the 2015/16 Municipal Year.
- 1.2. This report recommends:
 - some further amendments to the Officers Scheme of Delegation to reflect new legislative changes and changes to the Council's Management Structure.
 - The appointment of the Chief Executive as the Returning Officer, Electoral Registration Officer and Acting Returning Officer.

2. RECOMMENDATIONS

- 2.1 That the appointment of Mr Nigel Palace as the Returning Officer and Electoral Registration Officer and the Scheme of Delegation at Appendix 1, be approved.
- 2.2 That the changes to the Officers Scheme of delegation, by the Monitoring Officer under delegated powers, to reflect new legislative changes in Appendix 2, be noted.
- 2.3 That the appointment of the Leader of the Council to the Board of the Old Oak and Park Royal Development Corporation from 1st April 2015 to May 2018, be noted.

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. INTRODUCTION AND BACKGROUND

- 4.1 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.
- 4.2 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

MANAGEMENT STRUCTURE

- 5.1 Since the last Council meeting, a new senior management has been introduced with the deletion of two Executive Director posts and reorganisation of the departmental structures. The Monitoring Officer approved the changes to the Officers Scheme of delegation under delegated powers to reflect this re-organisation. The updated scheme is attached as Appendix 1.

APPOINTMENT THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

- 5.2 The Council is requested to approve the appointment of Mr Nigel Palace as the Returning Officer and Electoral Registration Officer.

SCHEME OF DELEGATION

- 5.3 Since the last update, the following legislation has been enacted. The Monitoring Officer has approved the changes to the Officers Scheme of delegation under delegated powers to reflect the introduction of the legislation as highlighted in Appendix 2.

Crime and Policing Act 2014 - Community Protection Notice Guidance /Anti-Social Behaviour

- 5.4 The act provides for wide-ranging powers for the police, local authorities and landlords, but particularly in relation to the council's powers, the act will

introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.

- 5.5 The new community trigger and community remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of anti-social behaviour and in out-of-court sanctions for offenders.

Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002

- 5.6 The Regulation 2002 (SI 2002. No 1808) enables local authorities in England to issue fixed penalty notices to drivers who allow their vehicles to run unnecessarily while stationary on the road. If an officer authorized under the above legislation discovers a vehicle with its engine running unnecessarily, the first action would be to advise the driver of the legal requirements and that such an offence carries a fixed penalty. The officer would then request the driver to turn the engine off. A fixed penalty notice would only be issued if the driver refuses to turn off the engine when requested to do so.
- 5.7 Drivers will not be penalised in cases where common sense dictates that the engine needs to be running, such as;
- where a vehicle is stationary at traffic lights or in a traffic jam
 - where a vehicle is broken down and the engine is being run to find a defect
 - where an engine is needed to refrigerate fresh goods or run a compactor on a refuse vehicle
 - any other situations that may be considered acceptable (e.g. defrosting a windscreen or cooling down on a hot day for a few minutes)

OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION

- 5.8 Members are asked to note the appointment of the Leader of the Council, Councillor Stephen Cowan, to the Board of the Old Oak and Park Royal Development Corporation from 1st April 2015 to May 2018. The Leader can be reappointed to the position after the next municipal election.

6. EQUALITY IMPLICATIONS

- 6.1 The equalities implications of this decision has been considered to be neutral.

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 The Authorities have the power to share officers under s.113 of the Local Government Act 1972. They also have the power to establish joint

committees for the joint discharge of non-executive functions, such as appointments, under s.102 of the 1972 Act.

7.3 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 verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny (020 8753 2499)

LOCAL GOVERNMENT ACT 2000

BACKGROUND PAPERS USED IN PREPARING THIS REPORT

None.