


<b>London Borough of Hammersmith &amp; Fulham</b>  <b>COUNCIL</b>  <b>18 May 2016</b>		 h&f hammersmith & fulham
<b>REVIEW OF THE CONSTITUTION</b>		
<b>Report of the Chief Executive – Nigel Pallace</b>		
<b>Open Report</b>		
<b>Classification:</b> For Decision		
<b>Key Decision:</b> No		
<b>Wards Affected:</b> None		
<b>Accountable Director:</b> Tasnim Shawkat – Monitoring Officer		
<b>Report Author:</b> Kayode Adewumi, Head of Governance and Scrutiny		<b>Contact Details:</b> Tel: 020 8753 2499 E-mail: <a href="mailto:kayode.adewumi@lbhf.gov.uk">kayode.adewumi@lbhf.gov.uk</a>

## 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.

## 2. RECOMMENDATIONS

- 2.1 That the changes made to the Constitution by the Monitoring Officer under delegated powers, be noted.
- 2.2 That the Council's membership of the West London Economic Prosperity Board (WLEPB), be noted.
- 2.3 That the changes to the Officers Scheme of Delegation and other areas of the Constitution, detailed in Appendix 2, be approved.
- 2.4 That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2016/17 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.

### **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. 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 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. The Constitution was last reviewed at the Annual Council meeting on 20 May 2015.

- 4.3 In-year amendments were approved by Council to:

- Officer Employment Procedure Rules in so far as they apply to the dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.
- the composition of the Joint Appointment Panel.
- establish a Lead Member (Champion) post for Cycling.
- 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.
- adopt revised Contract Standing Orders.

- 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**

#### **SCHEME OF DELEGATION**

##### **Monitoring Officer's Updates to Scheme of Delegation**

- 5.1 The Scheme of Delegation, which sets out how responsibilities are assigned from the Council to its Directors and other officers, has been reviewed and

updated where necessary throughout the year. All revisions made, under the Monitoring Officer's delegated powers, to the Scheme of Delegation in Part 3 of the Constitution have been reported during the year. These reflect legislative changes and updates to titles and jobs as a result of changes to legislation and changes in departmental structures.

### **New Scheme of Delegation Updates**

- 5.2 The London Boroughs of Barnet, Brent, Ealing, Hammersmith and Fulham, Harrow and Hounslow ("the Participating Boroughs") have established the Joint Committee (West London Economic Prosperity Board) pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The Committee will exercise executive functions only. This decision to join the Board was taken by the Leader on 12 May 2016. Details of the joint arrangements, including any delegations to joint committees are listed as Appendix 1. These will be found in the Council's scheme of delegations in Part 3 of the Constitution.

### **Legislative Changes**

#### **Enterprise and Regulatory Reform Act 2013**

- 5.3 The changes relate in particular to matters covering Listed Buildings that were amended in the Enterprise and Regulatory Reform Act 2013, aimed at reducing the burden of regulation.

#### **Micro Chipping of Dogs**

- 5.4 A law making it compulsory to microchip pet dogs came into force on Wednesday 6 April 2016. If a Council finds a dog without a chip, the owner will get 21 days to comply with the law or face a fine of up to £500.

### **Revised Layout**

- 5.5 As previously agreed, 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, Section 151 Officer, 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.

### **Constitution Changes**

- 5.6 The main changes are set out in the body of this report and in Appendix 2.
- 5.7 In light of the proportionality calculations in the previous report, the following changes to the composition of the Appointments Panel are proposed.

<b>Panel</b>	<b>Current Size</b>	<b>Proposed Size</b>	<b>Allocation Administration</b>	<b>Allocation Opposition</b>
<b>LBHF Chief Executive Only</b>	15	18	10	8
<b>LBHF Chief Officers/Directors</b>	9	5	3	2
<b>Shared Services</b>	3	No change	2	1

5.8 The size of the Chief Executive's Panel reflects the custom of having all the Executive on the interviewing panel. The proposed change to the LBHF Directors Panel allows a more efficient use of Members' time. The Council is recommended to approve the changes set out in Appendix 3.

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

6.2 Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

## **7 LEGAL IMPLICATIONS**

7.1 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 IMPLICATIONS**

8.1 There are no direct financial implications.

8.2 Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

## **9 BUSINESS IMPLICATIONS**

9.1 The functions to be discharged by the WLEPB will be with the intention of promoting economic prosperity within the local government areas of the participating boroughs.

9.2 Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

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

None.