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| <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>FULL COUNCIL</b><br><br><b>17 May 2017</b> |  | <br>h&f<br>hammersmith & fulham               |
| <b>REVIEW OF THE CONSTITUTION</b>  |  |  |
| <b>Report of the Leader of the Council – Councillor Stephen Cowan</b>                                  |  |  |
| <b>Open Report</b>   |  |  |
| <b>Classification:</b> For Decision<br><b>Key Decision:</b> No   |  |  |
| <b>Wards Affected:</b> None  |  |  |
| <b>Accountable Director:</b> Rhian Davies – Monitoring Officer   |  |  |
| <b>Report Author:</b> Kayode Adewumi, Head of Governance and Scrutiny                                  |  | <b>Contact Details:</b> Tel: 020 8753 2499<br>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 composition of the Cabinet set out in paragraph 5.1 and the Cabinet Members' Responsibilities and Portfolios outlined in Appendix 1, be noted.
- 2.2 That the amendments to the Appointments Panel as set out in paragraph 5.2 and Appendix 2 of the report, be agreed.
- 2.3 That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2017/18 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 18 May 2016.
- 4.3 In-year amendments were approved by Council in relation to Council procedure rules and the Officer Scheme of Delegation to reflect new legislative changes.
- 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**

- 5.1 The Administration has reduced the number of Cabinet portfolio positions from ten to eight. The Commercial Revenue and Resident Satisfaction, and Social Inclusion Cabinet portfolios have been deleted. The duties and responsibilities of these posts have been reallocated to the Deputy Leader and other Cabinet Members. The Administration has proposed the composition of the Executive as follows:

A Cabinet of eight Members (portfolio details are outlined in Appendix A):

1. The Leader
2. The Deputy Leader
3. Cabinet Member for Finance
4. Cabinet Member for Economic Development and Regeneration
5. Cabinet Member for Housing
6. Cabinet Member for Environment, Transport and Resident Services
7. Cabinet Member for Health and Adult Social Care
8. Cabinet Member for Children and Education

## **Constitution Changes**

- 5.2 In light of the proportionality calculations in the previous report, the following changes to the composition of the Appointments Panel (Panel A) are proposed.

### **Membership – 15 (8:7)**

#### **Panel A – For the appointment of the Council's Chief Executive**

- All Members of the Executive (8 members total)
- Leader of the Opposition
- 6 other Opposition Members

#### **Quorum: 8**

- 5.3 In relation to matters of dismissal of the Chief Executive, Section 151 Officer and Monitoring Officer, the Local Authorities (Standing Orders) (England) Amendment Regulations 2015 replaced the statutory Designated Independent Person (DIP) provisions with an Independent Panel process. The new statutory process requires the Council to establish three new committees to deal with matters of discipline if required:
- Grievance Committee
  - Investigating and Disciplinary Committee
  - Appeals Committee

- 5.4 In the event of a grievance, disciplinary or appeals matter received, a Committee of 5 members drawn from a pool of Panel A members shall be constituted. Due to natural justice, the membership of each committee cannot overlap. The committee will reflect the political balance of the Council.

## **6 EQUALITY IMPLICATIONS**

- 6.1 The equalities implications of this decision has been considered to be neutral.
- 6.2 Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

## **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 Implications verified by: Rhian Davies, Monitoring Officer - Tel: 020 7641 2729

## **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 There are no direct business implications.

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.