

Meeting:	COUNCIL
Date:	21 February 2008
Subject:	Recommended Constitutional Changes
Responsible Officer:	Michael Lockwood
Portfolio Holder:	Chris Mote - Leader
Exempt:	No
Enclosures:	Constitution Review Working Group Report – Appendix 1

Section 1 – Summary and Recommendations

This report sets out the recommended constitution changes relating to Assistants to Portfolio Holders.

Recommendations:

That Council consider and decided whether to approve the proposed constitutional change as set out in Paragraph 6 of this report.

Reason:

Following the reorganisation the Overview and Scrutiny Committee and the increase in membership, the proposed amendment will create a larger group of members from which appointments to the Committee and its sub-committee can be made.

Section 2 – Report

1. The Constitution Review Working Group is an informal body established by agreement between the Group Leaders to receive proposals for alterations or updates to Authority’s Constitution for formal submission to Council.
2. The Review Working Group was asked to consider an urgent proposal to amend the constitutional provision relating to Assistants to Portfolio Holders. The report, which was circulated to all members of the Working Group for consideration, is attached at Appendix 1.
3. The report proposed the following amendments identified in bold:

O&S Rule 2.1

To delete “and their assistants”:

“All Councillors except members of the Executive **and their assistants** may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committee.”

Article 7.13

To delete the last sentence:

“Non-Executive Councillors may be appointed as assistants to Portfolio Holders. These assistants may not exercise any of the powers of the Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the appointment of any assistants must be given by the Executive. **Assistants will not be appointed to the Overview and Scrutiny Committee or its sub-Committees.**”

4. A consensus on the proposed amendment could not be reached.
5. Article 15.03 (a) state:
 - (a) Subject to 15.04 and 15.05 below, changes to the Constitution will only be effective if approved by full Council.

Article 15.04 relates to Codes and Protocols and 15.05 Minor and Administrative changes by the Monitoring Officer.

Therefore, the recommended change can only be effective if full Council approves it.

6. Council is therefore asked to consider the recommendation contained set out below and to decide whether to approve the proposed constitutional change.

RECOMMENDATION

That Overview and Scrutiny Rule 2.1 and Article 7.13 be amended to read as follows:

O&S Rule 2.1

“All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committee.”

Article 7.13 delete the last sentence so that the rule reads:

“Non-Executive Councillors may be appointed as assistants to Portfolio Holders. These assistants may not exercise any of the powers of the Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the appointment of any assistants must be given by the Executive.”

7. There are no legal or financial implications associated with this report.

Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 14 February 2008		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 15 February 2008		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer Corporate Governance direct telephone number 0208 420 9414

Background Papers: List **only non-exempt** documents (ie not Private and Confidential/Part II documents) relied on to a material extent in preparing the report (eg previous reports). Where possible also include a web link to the documents.

If appropriate, does the report include the following considerations?

1.	Consultation	N/A
2.	Corporate Priorities	N/A