

Meeting:	COUNCIL
Date:	30 October 2008
Subject:	Recommended Constitutional Changes
Responsible Officer:	Michael Lockwood
Portfolio Holder:	David Ashton - Leader
Exempt:	No
Enclosures:	Appendix 1 – Article 4

Section 1 – Summary and Recommendations

This report sets out the various recommended constitution changes.

Recommendations:

That Council consider and decided whether to approve the proposed constitutional change agreed at the meeting of the Constitution Review Working Group dated 22 July 2008.

Reason:

To accurately reflect legislative changes and current practice.

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. At its meeting on 22 July 2008, the Review Working Group was asked to consider various proposed changes to the Constitution.
3. The Review Working Group having discussed the individual reports determined to recommend to Council for approval the following changes to the Constitution:

(a) Article 10 – Area Forums or Area Committees and Harrow Partnership Bodies:

AGREED: The new paragraph 10.2 - Harrow Strategic Partnership (HSP)

The HSP is a Local Strategic Partnership. Local Strategic Partnerships bring together the local authority, the Primary Care Trust, the Local Police, business interests, the voluntary and community sector and other local interests to develop a long-term vision to improve the quality of life and services in the local area. This long-term vision is the sustainable community strategy (SCS). The LSP also delivers the improvements in the local area agreement (LAA).

The HSP is an independent body although the Government expects the Council to take the lead in convening and supporting it. The HSP is responsible for deciding its own structures, decision-making arrangements and priorities. It must, however, keep the Sustainable Community Plan or Strategy updated and make arrangements for delivering the range of targets included in the local area agreement made with Government. The Council acts as the legal and financial accountable body for the HSP.

Decisions and agreements made by the HSP are not binding on the Council or other partners unless and until they are ratified by Council or partners as appropriate. However, where the scope of the decision or agreement falls within the powers delegated to the Portfolio Holders representing the Council on the HSP, then their agreement to such a decision or agreement constitutes the Council's approval of the decision or agreement.

(b) Article 4 - The Full Council:

AGREED: The changes to Rules 4.01 and 4.02 of Article 4 as set out in Appendix 1.

(c) C - Budget and Policy Framework Procedure Rules:

AGREED: The change to Rule 3 by the inclusion of “Sustainable Community Strategy” in the list of Plans and Strategies that are reserved to the Council for approval.

(d) Committee Procedure Rule 1.1 and 4.1:

AGREED: To add a new rule to these procedures to the Overview and Scrutiny Procedure Rules with regard to attendance of Members at meetings of the Overview and Scrutiny Committee and its sub-committees. The rule would read as follows:

“6.5 Attendance of Members at Committees and Sub-Committees

No right to speak

Any Member of the Council may attend meetings of the Overview and Scrutiny Committee and any of its sub-committees. Members who are not ordinary Members of the Committee or sub-committees may not speak at meetings unless Committee or sub-committee agrees that the member concerned may speak, or, the member has been invited to the Committee, sub-committee to speak.”

(e) Council Procedure Rule 15.6:

AGREED: To add a new procedure Rule 20.2 to the Executive Procedure Rules to deal with motions referred from Council to the Executive. The new rule would read as follows:

“20.2 Motions referred to the Executive or a Portfolio Holder

A Member of the Council who has proposed a motion which has been referred to the Executive or to a Portfolio Holder, shall be given at least three clear working days notice of the meeting at which the motion will be considered, by the Director of Legal and Governance Services. If the Member attends the meeting but is not a Member of the Executive, and if invited to do so by the Chair and with the agreement of the Executive he or she shall have an opportunity to explain the motion to the Executive or Portfolio Holder.”

4. Council is therefore asked to consider the recommendations set out below, and to decide whether to approve the proposed constitutional changes.
5. There are no risks, legal or financial implications associated with this report.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 15 October 2008		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 21 October 2008		

Section 4 - Contact Details and Background Papers

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

Background Papers:

If appropriate, does the report include the following considerations?

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