

Meeting:	COUNCIL
Date:	9 July 2009
Subject:	Recommended Constitutional Changes
Responsible Officer:	Michael Lockwood – Chief Executive
Portfolio Holder:	Councillor David Ashton – Portfolio Holder for Strategy, Performance and Finance
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out the various recommended constitution changes.

Recommendations:

That Council consider and decide whether to approve the following proposed constitutional changes agreed at the meeting of the Constitution Review Working Group on 22 June 2009:

- (a) The deletion of the “Best Value Performance Plan” from Rule 3 (a) of the Budget & Policy Procedure Rules.
- (b) The amendments in bold to the statutory responsibilities of the Monitoring Officer and the Director of Children’s Services as set out at paragraph 3(b) of this report.
- (c) The inclusion of a new Rule 18 to the Advisory Panel and Consultative Forum Procedure Rules as set out in bold at paragraph 3 (c) (i) and the subsequent renumbering of the procedure rules, paragraph 3 (c) (ii). The deletion of the ‘No Smoking Policy as referred to at paragraph 3 (c) (iii) of this report.

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 June 2009, the Review Working Group considered 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) Budget & Policy Procedure Rules

AGREED: The deletion of the “Best Value Performance Plan” from Rule 3 (a) of the Budget & Policy Procedure Rules.

(b) Part 3B Allocation of Responsibilities

AGREED: The changes (bold) to the statutory responsibilities of the Monitoring Officer and the Director of Children’s Services:

MONITORING OFFICER

1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 & 5A Local Government and Housing Act 1989.
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DIRECTOR OF CHILDREN’S SERVICES

8. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004
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(c) Advisory Panel & Consultative Forum Procedure Rules

AGREED:

- (i) That recommendations to the Advisory Panels and Consultative Forums should only be made on an Officer’s Report. This procedure rule should therefore be amended to include a new rule 18, as set out below.

New Procedure Rule 18

18. Recommendations to be taken only on a report

18.1 The Panels and Forms may only make recommendations upon consideration of a written report from the relevant officer of the Council.

18.2 Reports from officers will follow a standard format including the following statutory requirements:

- **Observations of the Chief Financial Officer**
- **Observations of the Monitoring Officer**
- **Details of background papers**

(ii) That the current rule 18 and all subsequent rules should be renumbered accordingly.

(iii) That as the Council operates a 'No Smoking Policy' the current Rule 25 should be deleted. Further that this rule should be deleted from all other relevant Procedure Rules.

4. Council is therefore asked to consider the recommendations set out, 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: Hasina Shah	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 1 st July 2009		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 26 June 2009		

Section 4 - Contact Details and Background Papers

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

Background Papers:

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