

REPORT FOR: COUNCIL

Date of Meeting: 15 April 2010

Subject: **Recommended
Constitutional Changes**

Responsible Officer: Hugh Peart – Director of Legal and Governance Services

Exempt: No

Enclosures: Various as indicated.

Section 1 – Summary & 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.

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. The following is a summary of the changes to parts of the Constitution agreed by the Constitution Review Working Group which comprises members from the three political groups represented on Council. The Council, Executive and Committee Procedure Rules are annexed for Members information. (Track changed documents are available on request and in the Members' Library).

A. Constitution Articles (Annex 1)

(pages 23 – 76)

Minor textual changes have been made to the introductory paragraphs to explain the purpose of each Article in clearer language.

In Article 4 the plans and strategies listed as the Policy Framework have been updated.

Article 5 has been amended to reflect the change that the Council shall elect a Deputy Mayor.

Article 7 has been amended to take account of the change to a revised Leadership model, known as the `strong leader` model as decided by Council on 29 October 2009.

B. Council Procedure Rules (Annex 2)

(pages 77 - 106)

Paragraph 1.2 sets out the new rules to take account of the adoption of the `strong` Leader model.

Paragraph 1.2.6 sets out the executive arrangements that apply following the Council elections there are related, equivalent, changes to the delegations to the Chief Executive to give effect to these arrangements.

Paragraph 1.3.1.3 reflect the change to Elect a Deputy Mayor.

Paragraph 1.5 sets out revised arrangements for the appointment of replacement Members to Committees, Sub-committees and other bodies.

Paragraph 5.2 requires that reasons are to be given if a Council meeting is to be cancelled.

Paragraph 11.2 relating to public questions requires that a copy of any written answer given is to be circulated to the questioner and all Council members as well as being recorded in the minutes.

Paragraph 11.5 requires that reasons must be given if the Mayor on the advice of the Monitoring Officer rejects a written question.

Paragraph 12.2 clarifies that Member questions may relate to either public or private business of the Council.

Paragraph 12.6 relating to Member questions requires that a copy of any written answer given is to be circulated to the questioner and all Council members as well as being recorded in the minutes.

Paragraph 12.4 relating to the requirement that a written answer given is circulated to the questioner and all Council Members as well as being recorded in the minutes.

Paragraph 14.6 introduces a new arrangement by which the Leader of the Opposition may move a motion relating to business of the Executive which will not be automatically referred to the Executive but will be debated by the council but without the capacity to make a decision on the issue.

Paragraph 15.4 clarifies that if a Council meeting is adjourned the Mayor will determine at its resumption which Member will re-open the debate.

Paragraph 19.3 introduces a requirement that Council Minutes will be produced within 5 clear working days of the relevant Council meeting.

Paragraph 24.3.2 confirms the capacity of the Mayor to adjourn Council meetings with the agreement the Members present if it is expedient to do so.

Paragraph 25.1 clarifies that any suspension of these procedure rules, so far as that is permissible, may be for one or more items of business, but shall not extend beyond the meeting in question.

C. Executive Procedure Rules (Annex 3) (pages 107 - 140)

These rules now contain provisions relating to advisory panels, forums etc of the Executive.

Paragraph 2.3 this clarifies that an Executive meeting includes meetings of the whole Executive, a committee or Sub-committee or of an individual member.

Paragraph 17.1.1 clarifies that Member questions may relate to either public or private business of the Council

Paragraph 33.3.2 confirms the capacity of the Chair to adjourn meetings with the agreement the Members present if it is expedient to do so.

Paragraph 34.1 clarifies that any suspension of these procedure rules, so far as that is permissible, may be for one or more items of business, but shall not extend beyond the meeting in question.

Paragraph 38.3.1 confirms that the attendance of a Reserve member at an Advisory Panel or Consultative Forum precludes the attendance of the ordinary member for whom they are substituting.

Paragraph 42.2.1 confirms that the Chair may accept a late report but its discussion is subject to agreement by the Executive; the grounds for urgency and circumstances giving rise to the request for consideration must be included in the Minutes.

D. Committee Procedure Rules (Annex 4)

(pages 141 - 174)

These rules now contain provisions relating to Committees and Sub-committees of the Council; together with specific provisions relating to the Planning Committee; Standards Committee and the Overview and Scrutiny Committee

Paragraph 3.4.3 confirms that the attendance of a Reserve member at a meeting precludes the attendance of the ordinary member for whom they are substituting.

Paragraph 10.1 requires that if a meeting is cancelled reasons for the cancellation are to be given.

Paragraph 24.3.2 relates to the adjournment of meetings if it is considered expedient to do so.

Paragraph 25.1 clarifies that any suspension of these procedure rules, so far as that is permissible, may be for one or more items of business, but shall not extend beyond the meeting in question.

Paragraph 28 extends the training requirements that apply to membership of the Planning Committee to members of the Licensing Committee and its Panels.

Paragraph 29.3 now provides that members of the Planning Committee are required to renew their training at not more than 4 year intervals otherwise they will be precluded from being a member of that Committee

Paragraph 35 provides for the appointment of and membership of Call-in Sub-committees.

Paragraph 41.2 sets out the arrangements for the consideration of reports from the Overview and Scrutiny Committee by the Executive and/or Council.

Paragraph 47.2.1 clarifies the requirements relating to Call-in of a decision relating to an education matter.

Paragraph 47.2.2 removes the limitation that members of the public could only call-in two decisions in a Municipal Year.

Appendix 1 to Overview & Scrutiny Call-In Procedure now identifies at 6. that the public call-in must make out a prima facie case.

E. Officer Delegations

(pages 175 - 188)

Revision of the conditions to be fulfilled prior to exercise of delegated powers are as set out at (1) under Principles of Delegation.

F. Amendments to Financial Arrangements.

The following are minor amendments to financial arrangements:

- a. amendment to Article 4 and to the Allocation of Responsibilities to clarify that Council approves the capital programme as well as the revenue budget.
- b. that Cabinet approves the budget timetable and consultation arrangements.
- c. clarification that virement will only be in accordance with the financial regulations and not referred to when Council sets the budget.
- d. clarification of the circumstances relating to in-year changes to the budget and policy framework.

G. Issues raised by the Leader of the Opposition (pages 189 - 192)

At Annex 6 is a list of items tabled by the Councillor Stephenson. It indicates the extent to which they have been adopted for recommendation to Council. Where they are recommended for adoption relevant changes have been made for approval and implementation. They are otherwise only provided for information.

Section 3 – Legal, Risk and Financial Implications

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

Section 4 - Contact Details and Background Papers

Contact:

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Background Papers:

Council's Constitution