

THE ASSEMBLY

21 July 2010

REPORT OF THE ACTING CORPORATE DIRECTOR OF RESOURCES

Title: Council Constitution	For Decision
<p data-bbox="148 488 309 521">Summary:</p> <p data-bbox="148 560 1437 777">Part B, Article 2 (The Assembly) paragraph 8, of the Council's Constitution authorises the Assembly to agree changes to the Constitution and associated rules, codes, protocols and schemes relating to the way in which the Council operates. It is standard practice that the Constitution is reviewed annually by the Assembly. However, changes required due to new and/or emerging legislation, best practise or to uphold good decision making principles will be reported throughout the year, as necessary.</p> <p data-bbox="148 815 1198 851">The proposed changes to the Constitution can be summarised as follows:</p> <ul data-bbox="197 891 1437 1256" style="list-style-type: none"><li data-bbox="197 891 1437 1070">• Part B- Article 1- In order to extend accountability all reports to Cabinet will in future be in the name of the appropriate Cabinet Member. Where appropriate, reports to Assembly will also be in the name of the relevant Member, for example Chairs or Lead Members in relation to annual reports of their Committees. All other reports to meetings will continue to be in the name of the relevant Chief Officer.<li data-bbox="197 1115 1437 1256">• Part B, Article 2, paragraph 18, Petition Scheme and associated articles- New statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009 (the Act) drawn up in accordance with a national Model to reflect the duty to respond to petitions. <p data-bbox="245 1294 1437 1404">The duty also includes provision for e-petitioning although due to the additional work that will be involved to facilitate such provisions the implementation date for the e-petitioning element of the scheme has been delayed until 15 December 2010.</p> <ul data-bbox="197 1444 1437 2029" style="list-style-type: none"><li data-bbox="197 1444 1437 1883">• Under Section 31 of the Act all local authorities are required to nominate a Designated Scrutiny Officer. In broad terms the purpose of the statutory designation is to promote the scrutiny function generally more widely within the Council and its partners as well as providing advice and support to Members of the Scrutiny Select Committees in undertaking their work. Previously the Divisional Director of Legal and Democratic Services has led on scrutiny. However, the legislation prohibits the role being undertaken by the Monitoring Officer, and in any event it would be more appropriate for the designation to be assigned to the post of Scrutiny Team Manager in Democratic Services, having regard to their day to day management role in scrutiny. The Scrutiny Team Manager already promotes and provides support to the Council's Select Committees and it is proposed that this post holder be appointed the Designated Scrutiny Officer.<li data-bbox="197 1924 1437 2029">• Part C, Scheme of Delegation - a number of changes to reflect the revised organisation structure, the effects of the above Petition Scheme and other consequential amendments	

Attached as Appendix A is a schedule of the changes as they would appear in the Constitution.

Subject to the Assembly's approval the relevant pages containing the changes will be updated on the Council's web site. Minor administrative changes which have been made under the authority of the Acting Chief Executive in accordance with Part H, paragraph 2.1 of the Council Constitution will also be included.

The Assembly is asked to note that Part D (Rules), specifically the Council's Financial Regulatory Framework (contract guidance, rules, code of practice and financial rules) are currently the subject of a comprehensive review. It is anticipated that the results of that review will be reported for comment and approval in September 2010.

Wards Affected: All

Recommendations:

That the Assembly agree:

1. the proposed changes to the Council Constitution to take immediate effect, and
2. the statutory Designated Scrutiny Officer role be assigned to the post of Scrutiny Team Manager.

Reason:

To ensure that the Council's decision making accords with the principles of decision making as set out in Article 11 of the Council's Constitution.

Implications:

Legal –The Local Government Act 2000 requires Councils to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates. The Local Democracy, Economic Development and Construction Act 2009 requires the Authority to adopt a new Petition Scheme and appoint a Designated Scrutiny Officer.

Financial – Central Government have indicated it will meet the costs of the new burdens associated with the petitions duty.

These costs will arise from increased work for Council officers, time at council meetings and overview and scrutiny committees, and set up costs for e-petitions.

Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population. It is expected that funding for future years will be incorporated into the revenue support grant.

Contractual - No specific implications

Risk Management - Any delays in updating the Constitution puts at risk the normal functions and business of the Council being conducted in an effective, efficient and lawful manner.

Staffing - No specific implications

Customer Impact - No specific implications

Safeguarding Children - No specific implications

Crime and Disorder - No specific implications

Property/Assets - No specific implications

Options appraisal - Not applicable

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Consultees:

The following were consulted on the report:

Legal Partner Corporate, Employment and Litigation
Strategic Financial Controller

Background papers used in the preparation of this report:

Council Constitution and Statutory provisions set out in the Local Democracy, Economic Development and Construction Act 2009.