

# THE ANNUAL ASSEMBLY

16 MAY 2007

## REPORT OF THE CORPORATE DIRECTOR OF RESOURCES

<b>Title: Annual Review of the Council Constitution</b>	<b>For Decision</b>
<p><b>Summary:</b></p> <p>The agenda contains reports on the Governance review and Statutory Officers, which will result in some changes to the Constitution. Other changes requiring Assembly approval are shown on the attached schedule.</p> <p>The changes, once agreed, will be incorporated in a revised version of the Constitution which will be circulated to all Members of the Council, Corporate Directors and Heads of Service, and will replace the existing document. This will also include any administrative changes.</p> <p>The Constitution is also available on the Internet with a summary of its content.</p> <p><b>Wards Affected:</b> None</p>	
<p><b>Implications:</b></p> <p><b>Financial:</b> Although there are no specific implications for the Council the revisions include a number of changes to the Financial Rules set out in Part D of the Constitution as summarised in the schedule.</p> <p><b>Legal:</b> The Local Government Act 2000 requires Council's to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.</p> <p><b>Risk Management:</b> Any delay in updating the Constitution puts at risk the functions and business of the Council being conducted in an effective, efficient and lawful manner.</p> <p><b>Social Inclusion and Diversity:</b> As this report does not concern a new or revised policy there were no specific or adverse impacts.</p> <p><b>Crime and Disorder:</b> None</p> <p><b>Options Appraisal:</b> Not applicable</p>	
<p><b>Recommendation:</b></p> <p>To agree the changes to the Constitution, based on acceptance of the other reports referred to and the amendments set out in the schedule.</p>	

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**Consultations:**

The following were consulted in the preparation of this report:

- Chief Executive
- Assistant Chief Executive (Democracy & Partnerships)
- Divisional Director of Legal Services

**Background Papers Used in the Preparation of the Report:**

- Council Constitution

**Summary of Revisions to the  
Council Constitution  
May 2007**

<b>Article/Part</b>	<b>Page (Current Constitution)</b>	<b>Details</b>
Part A - Licensing and Regulatory Board Page	A8	<p><b>Delete existing sentence and insert:</b></p> <p>‘Those interested parties who have made relevant representations to an application will be allowed to address the Board’.</p>
Part B – Member Meetings General	B3	<p><b>Calendar and Timing of Meetings</b></p> <p><b>A new paragraph 5.4 to read as follows:</b> The proceedings of the Assembly may be concluded earlier with the agreement of the majority of the Members present. Any unfinished business will be referred to the next meeting.</p>
Part B - Article 2 (The Assembly)	B16	<p>Under the heading of <b>General Questions to include:</b></p> <p>‘That individual constituency issues cannot be considered’.</p>
Part B - Article 2 (The Assembly)	B16	<p><b>Inclusion of the following paragraph at 13.5:</b></p>

		<p>‘Subject to any discretion exercised by the Chair, there is no right for the Member who asked the question to ask a supplementary question nor is there provision for any debate on the issue. The exception to this is any case where, in the view of the Chair, the nature of comments made about an individual named Member of the Council warrants an opportunity of reply by that Member if he/she so wishes’.</p>
<p>Part B- Article 5B (Scrutiny Panels)</p>	<p>B33</p>	<p><b>Amend paragraph 2.4 as follows to ensure any related partnership issues are considered and that a partner / voluntary service representative is always included on the co-opted membership:</b></p> <p>‘2.4 Scrutiny Panels can co-opt non-councillors to join a Panel and are encouraged where possible that, alongside other external people who might be appropriate for the topic in question, a partner/voluntary service representative is always included on the co-opted membership. Such co-optees cannot have voting rights unless they are a statutory co-opted member for education related matters. Scrutiny Panels can also take evidence and advice from other persons or organisations, including representatives from the Barking and Dagenham Partnership, or partners, for example the Primary Care Trust (PCT), Metropolitan Police, Barking College and the voluntary, community and business sectors; in order to get a balanced picture of an issue’.</p>

Part B-Article 5D (the Call-In process)	B40	<p><b>Inclusion of the following new paragraph:</b></p> <p>‘All parties involved in presenting the Call-In and representing the Executive, including associated officers, will leave the room whilst the Scrutiny Management Board considers the Call-In, other than in relation to statutory officers’ rights to attend and advise all meetings’</p>
Part B- Article 6 (Policy Commissions)	B43	<p><b>Amend paragraph 3.3 as follows to ensure any related partnership issues are considered:</b></p> <p>‘3.3 Policy Commissions are also encouraged to include external (partner/voluntary/community/business sector) representatives during their developmental work and may co-opt non-councillors accordingly. Such co- optees cannot have voting rights. They may also take advice from other persons, organisations or partners in order to get a balanced picture of an issue’.</p>
Part B Article 12- Joint Arrangements and Partnerships	B74	<p><b>The Barking and Dagenham Partnership</b></p> <p><b>In order to clarify the definition delete from the second paragraph (3.2) until the end of this section and insert:</b></p> <p>‘The main purpose Barking and Dagenham Partnership is to provide the strategic direction</p>

		<p>needed to drive through changes that will improve the quality of life and governance in Barking and Dagenham. This will only be achieved through effective joint-working and co-ordination with the Borough's public, voluntary, community and private sector stakeholders.</p> <p>The overall role of the Barking and Dagenham Partnership is to provide a forum for the key stakeholders in the Borough to facilitate and monitor the delivery of the Community Strategy 'Building Communities, Transforming Lives, and to influence and make decisions that assist in its implementation. This will mainly be the implementation of the Local Area Agreement for Barking and Dagenham.</p> <p>The Barking and Dagenham Partnership will meet twice yearly through conference style events that will aim to involve and bring together public, private, voluntary and community sectors in the borough. The conference will be by invitation only.</p> <p>The Local Public Service Board will lead on the main decisions of the Partnership and in particular, the implementation of the Local Area Agreement. There will be areas that members of this group have direct control over and also wider issues where they can use their networks and knowledge to have influence on decisions that affect the Borough.</p> <p>The key themed priorities identified in the Community Strategy will be championed through 5 Sub Groups that are based on the themed blocks of the Local</p>
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		<p>Area Agreement:</p> <ul style="list-style-type: none"> <li>• The Children’s Trust</li> <li>• The Adult’s Trust</li> <li>• Stronger and Safer Communities</li> <li>• Economic Development and Enterprise</li> <li>• Inclusion</li> </ul> <p>The Sub-Groups oversee the implementation of the Local Area Agreement Action Plans for their themed areas and meet quarterly. The Council acts as the Accountable Body’.</p>
<p>Part D – Financial Rules</p>	<p>D33 – D42</p>	<p><b>A number of changes to financial rules are proposed as follows:</b></p> <p>Change of Lead Officers to reflect corporate structure and current functions</p> <p>The limits of delegated authority have been revised and updated based on comparisons with other local authorities.</p> <p>Clarification of the distinction between a virement (relating to the current year only) and a permanent budget transfer (previously referred to as a permanent virement)</p> <p>Formalise the process of drawing resources from the contingency and places a limit on officer delegation to do so.</p>

		<p>Generally updated audit requirements to reflect the current Account and Audit Regulations and included the requirement on Chief Officers to maintain and manage risk.</p> <p>Issues of insurance are amended to make the link to the identification of risks through risk registers.</p> <p>Link the write-off process to the write-off strategy and formalises the requirement to comply with it.</p>
Part D – Rules (Conferences Visits and Hospitality)	D46	<p><b>New paragraph 2.3 and renumbering:</b></p> <p>‘2.3 The rules will also not apply in the case of special, personal invitations to the Leader of the Council to events which do not specifically fall into the categories in paragraph 2.1 above. In such cases the Leader of the Council reserves the right to judge whether or not the invitation should be accepted and, at his/her discretion, he/she may pass the invitation to another Member. Only travel expenses will be funded in such instances. A record will be kept by the Leader’s PA’.</p> <p><b>Amend paragraph 2.6 to read:</b></p> <p>‘With the exception of the Mayor’s spouse, partner, consort, attendance at events by spouses and partners is generally not allowed. However, it is recognised that there may be exceptional occasions when such attendance is appropriate’.</p>



Part E – Codes and Protocols	E1	<p><b><u>Imminent New Model Code of Conduct</u></b>  The Government plans to introduce a revised Model Code of Conduct for Councillors. This has been the subject of wide-spread consultation including the Council's Standards Committee. The new Code will create a requirement for a review of the Council's Codes and Protocols. There is an intention of an early implementation of the compliance and governance changes required. The revised Code is expected to be published in May 2007.</p>
Part E – Codes and Protocols	E1-E84	<p><b>Delete</b> various references to the Leader of the Council's consent and replace with the Chief Executive in order to ensure political neutrality of decisions</p>
Part E- Codes and Protocols (Party Group Meetings)	E35	<p><b>Insert new sentence at 4<sup>th</sup> paragraph as follows:</b>  'Employees' attendance at Group Meetings will take place in the presence of London Borough of Barking and Dagenham Members only'.</p>
Part E – Codes and Protocols	E37/E45/E65	<p><b>General contact with employees (E37)</b>  Wording in relation to references to general enquiries to ensure the Council's customer services standards are adhered to.</p>

		<p><b>Additional bullet point under the paragraph worded:</b></p> <p>‘Equally, Members should avoid bringing influence to bear on an employee to take any action which is:</p> <ul style="list-style-type: none"> <li>• Related to commercial transactions’.</li> </ul> <p><b>An amendment to the last sentence in the penultimate paragraph to read:</b></p> <p>‘Members should not, therefore, invite external visitors such as party officials or workers, or commercial representatives, to such meetings’.</p> <p><b>Documents and information-accessibility and confidentiality (E45)</b></p> <p><b>Employee resources (E65)</b></p> <p>General wording in relation to references to casework and general enquiries to ensure the Council’s customer services standards are adhered to.</p>
<p>Part E – Code and Protocols (Guide for Members Use of Council Resources)</p>	<p>E66</p>	<p><b>Amendment to the 3<sup>rd</sup> paragraph to read:</b></p> <p>‘Premises for ward surgeries should be arranged by members but Council funds are available to pay standard rates for those surgeries located within the boundaries of LBBD’.</p>

<p>Part E – Code and Protocols (Guide for Members Use of Council Resources)</p>	<p>E68</p>	<p><b>Under the category of stationery, postage, photocopier and other equipment:</b></p> <p>‘You are advised not to:</p> <ul style="list-style-type: none"> <li>• Use any designatory letters after your name in line with Council custom and practice’.</li> </ul>
<p>Part E - Codes and Protocols (Guide for Members using Council Resources)</p>	<p>E69</p>	<p><b>Delete in the 2<sup>nd</sup> paragraph under the heading of Transport:</b></p> <p>‘If you are eligible for a Blue Badge and are unable to make use of your own transport, you may apply for special assistance’, <b>and insert:</b></p> <p>‘If you are eligible for a Blue Badge, or are otherwise unable to make use of your own transport due to a medical condition or incapacity (such as a broken leg), or in any other exceptional circumstances, you may apply to the Chief Executive who in consultation with the Leader of the Council will consider special assistance.</p> <p><b>Reword</b> the 4<sup>th</sup> paragraph as follows:  ‘In addition the Chief Executive, in consultation with the Leader of the Council will agree transport to be provided for travel to and from a civic function arranged by another local authority or public body, or to an awards ceremony or similar’.</p>

<p>Part E- Codes and Protocols</p>	<p>E85 (new)</p>	<p><b>Proposed Protocol re Communications for Council Members</b></p> <p>‘It is the policy of Barking &amp; Dagenham Council to be open, honest and accurate in dealing with the media at all times. Our press and marketing activity supports and promotes the wide range of activities Executive Members and Council Officers undertake as they work on behalf of residents to build communities and transform lives.</p> <p>All elected members of the Council, whatever political party, have a duty both to the Council and to residents to ensure that in commenting on the policies and work of the Council, they make every effort to ensure that everything they say, whether verbally or written (for example in leaflets), is factually correct. Although Members are entitled to comment on Council policies, they must not knowingly explain Council policies in factually incorrect terms.</p> <p>Inaccurately explaining Council policies can result in tension in the community and damage the reputation of the Council and its work on behalf of all residents that live in the borough.</p> <p>Failure to follow this Protocol could lead to a Member being in breach of the Members’ Code of Conduct. Breaches of the Code will be referred to the Standards Board for England’</p>
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