

| <b>COUNCIL</b>      |                        |          |              |
|---------------------|------------------------|----------|--------------|
| <b>Report Title</b> | Constitutional Matters |          |              |
| <b>Key Decision</b> | No                     | Item No. | 4            |
| <b>Ward</b>         | All Wards              |          |              |
| <b>Contributors</b> | Head of Law            |          |              |
| <b>Class</b>        | Part 1                 | Date:    | 24 June 2015 |

## **1 Summary**

This report proposes changes to the Council's constitution to reflect changing law and decisions of the Council's Constitution Working Party (CWP).

## **2 Purpose**

The purpose of this report is to ensure that the Council's constitution reflects changing law and is fit for purpose.

## **3 Recommendations**

- 3.1 That the Council agree the changes proposed in the draft report now appearing at Appendix 1 (Constitutional Update), which were considered by the CWP on 10<sup>th</sup> June 2015, subject to
- (a) the amendments agreed by the CWP appearing at Appendix 2 (*to follow*); and
  - (b) the deletion of the words "consist of" in paragraph 6(3) (d) of Appendix 1 and the insertion of "include" in their place
- 3.2 That the Council agree to establish the Broadway Theatre Working Group as set out in the report now appearing at Appendix 3, which was considered by the CWP on 10<sup>th</sup> June 2015, subject to the amendments agreed by the CWP appearing at Appendix 4

## **4 Background**

4.1 The background to, and the implications of, the proposed changes are set out in full in the report at Appendix 1 and 3 and members' attention is drawn to their contents and the amendments agreed by CWP. Broadly these relate to changes as follows:-

- New Contract Procedure rules necessitated by the Public Procurement Regulations 2015

- New employment rules relating to the dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer
- The reflection of current practice in relation to the SACRE in the Constitution
- The creation of a time limited Public Spending Working Group
- The creation of a time limited Broadway Theatre Working Group
- An amendment to the provisions relating to the scrutiny of cross cutting issues

4.2 The recommendation appearing at paragraph 3(1) (b) above is designed to amend a lack of clarity in Appendix 1. The relevant regulations provide that the Panel to which Paragraph 6(3) (d) of Appendix 1 refers shall not consist solely of the independent members referred to, but must include them. As the Panel is to be an advisory committee for the purposes of the Local Government Act 1972, it will also include at least 4 councillors. However as it is not to be a standing committee of the Council, it will be appointed in the event of the necessity for it arising. The number to be appointed to it may be decided at that time in the light of prevailing circumstances.

4.3 Members are asked to note that there is a separate report on the agenda relating to appointments to the proposed working groups, which are subject to agreement to their establishment, and that that report also asks for appointment to the recently established Pensions Board.

## **5 Legal implications**

5.1 The legal implications are largely set out in Appendix 1 and 2. Members of the Council are reminded that there is a legal duty to keep the Constitution under review and up to date. CWP was established to advise the Council on any necessary amendments to the Constitution but decisions about amendments to the Constitution are for full Council to make. The Constitution must be kept up to date and publicly available. It will be updated and will appear on the Council's website and be available for public inspection after the Council has made a decision to amend. Attention is also drawn to the equalities duties set out in the Appendices.

## **6 Financial implications**

There are no specific financial implications arising.

## **7 Environmental implications**

There are no specific financial implications arising.

## **Report Author**

For further details on this item contact the Head of Law, Kath Nicholson, 0208 3147648