

<b>COUNCIL</b>		
<b>Report Title</b>	CONSTITUTIONAL CHANGES	
<b>Key Decision</b>	N/A	
<b>Ward</b>	All	
<b>Contributors</b>	Director of Law	
<b>Class</b>	Part 1	Date 27 November 2019

## 1. Summary

Following consideration by the Council's Constitution Working Party (CWP) of proposals to amend the Council's Constitution to keep it up to date, Council is asked to agree certain amendments to the Council's constitution as recommended by CWP.

## 2. Purpose

The purpose of this report is to ensure that the Council's Constitution remains fit for purpose and that it is reviewed to comply with legal and constitutional requirements.

## 3 Recommendation

That the Council:-

- 3.1 Consider the report of London Councils Independent Remuneration Panel and that of Sir Rodney Brooke both of which were appended to the report before the CWP on 29 October 2019 and are now before Council as part of Appendix 1, and having had regard to those documents:-
- 3.2 Note the draft minutes of the CWP dated 29 October as set out in Appendix 2; and
- 3.3 Agree the proposed amended Constitution appearing in Appendix 1 subject to the amendments proposed by CWP as set out in paragraphs 5 and 6 of this report.
- 3.4 Subject to agreement to the recommendations at 3.1, 3.2 and 3.3 to ask officers to ensure that the amended Constitution is publicly available and that the amended Scheme of Members' Allowances (which is varied only in relation to the categorisation of approved duties) is published in a local newspaper

## 4. Background

4.1 Members' attention is drawn to the contents of the report and attachments appearing at Appendix 1 (including the addendum circulated at the meeting) which sets out the need for constitutional change in a number of respects including:-

- The change of the title of the Chair and Vice chair of Council to Speaker and Deputy Speaker
- A simplification of the categories of approved duties for which members' allowances may be claimed
- Changes to the Council scheme of delegation to reflect changed Council structures
- Procedures surrounding the letting of contracts for services to individual vulnerable clients
- Clarity about who chairs the Council's Urgency Committee
- Recognition in the Council's Constitution of the position of the Young Mayor
- Changes to the way in which the Audit Panel may make referrals to other Council bodies
- A minor amendment to correct a small administrative error in the terms of reference of the Safer Stronger Select Committee
- Changes to the composition of the SACRE at SACRE's request to include a representative of the Pentecostal Church and to reflect the changes in the structure of the unions represented on SACRE

4.2 Members will note that the proposed amended Constitution contains changes to the Mayoral Scheme of Delegation arising from the reorganisation of directorates. The extent and nature of delegations by the Mayor in relation to executive functions are for him to make, but once he has agreed them, they are incorporated into the Constitution and publicly available. The Mayor has agreed to those delegations appearing in Appendix 1 and now informs Council of his consent to their inclusion in the Constitution.

## **5. CWP comments**

5.1 Members will see that the proposed amended Constitution appearing in Appendix 1 at Article 21 gives constitutional expression to the role of the Young Mayor. In addition to this, the CWP was of the view that a further amendment should be made to the Executive Procedure Rules, to enable the Young Mayor to put an item on the agenda of a Mayor and Cabinet meeting in a similar vein to the Positive Ageing Council which represents the interests of older people. CWP also felt that in the interests of the efficient conduct of the business of the Executive, the limits on such referrals should be the same as those applying to an Assembly, namely one such referral per year.

- 5.2 It is therefore proposed that this should be incorporated in the proposed amended Constitution. This means that Part D 20 which is entitled “Who can put items on the agenda for a meeting of the Executive?” should have an addition which reads as follows:-

*“(h) The Young Mayor may make referrals to the Mayor and Cabinet, subject to a maximum of one in any twelve month period, unless the Mayor agrees to the contrary.”*

## **6. Contractual provision relating to impact of Brexit**

The Director of Law also circulated the addendum appearing at Appendix 1. The CWP agreed that it should be recommended that the proposed addition to the Contract Procedure Rules (CPRs) be adopted. It is suggested that the following clause be added to those Rules as NB at the end of Rule I 1.4

*“Where appropriate, documentation should contain the following warning: References to legislation including statutory instruments contained within this document/policy/procedure/guidance (delete as appropriate) may have been superseded by changes derived from the European (Withdrawal) Act 2018 (“the Act”) and subordinate legislation introduced as a result of Brexit. Users should check references contained within to ensure they are up to date. No liability is accepted for reliance or loss arising from the specified legislation or procedure which has subsequently been amended by the Act or European Union Exit Statutory Legislation from the date of publication”.*

## **7. Legal, financial, equalities, crime and disorder implications**

The report which was considered by CWP and is now at Appendix 1 set out all considerations for members to consider. It is not proposed to repeat them here though they are before members and they are invited to consider the report at Appendix 1 in its entirety alongside this covering report.

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